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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

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BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

WEDNESDAY, OCTOBER 22, 2025

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

The Committee met, pursuant to notice, at 10:16 a.m., in Room G50, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley [presiding], Lee, Cruz, Hawley, Kennedy, Blackburn, Britt, Moody, Durbin, Whitehouse, Blumenthal, Hirono, Welch, and Schiff.

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

Chairman GRASSLEY. Good morning. We welcome everyone.

Our panel features A. Tysen Duva, nominated to be assistant attorney general, Criminal Division; two district court nominees, Justice William J. Crain, Eastern District, Louisiana; Alexander Van Hook, Western District of Louisiana. Senators Kennedy and Moody will give introductions in a moment. In the meantime, I'd speak about Mr. Duva.

He has been a Federal prosecutor for nearly 2 decades in the U.S. Attorney's Office, Middle District, Florida. He has extensive experience conducting investigations, prosecuting a wide array of criminal offenses. These include drug trafficking, violent crime, public corruption, fraud, and illegal immigration. Mr. Duva has prosecuted hundreds of cases, he has tried 22 to verdict, and he has received numerous awards for his efforts from the U.S. Attorney's Office, as well as Federal agencies, including Department of Homeland Security, ICE, IRS, FBI, and Secret Service. Mr. Duva's success in prosecuting difficult cases certainly commands respect, and his real-world experience will be an asset to the Criminal Division.

Justice Crain has been an attorney for 4 decades, served as a judge for 15 years across every level of Louisiana State courts, spent 3 years as trial judge for Louisiana's Second Judicial District. Then he moved into appeals, serving on Louisiana's First Circuit Court of Appeals for 6 years. Since 2019, Justice Crain has served as the Supreme Court of Louisiana. As a jurist, Justice Crain has presided over and authored hundreds of judicial opinions. With his extensive experience as a lawyer and judge, he is extremely "well qualified" to serve on the Federal branch.

Mr. Van Hook is also "well qualified." He clerked for judges on the U.S. Appeals Court for the Fifth Circuit and on the U.S. District Court for the Western District of Louisiana. Since then, Mr. Van Hook spent 25 years as a Federal prosecutor in the U.S. Attorney's Office, Western District, Louisiana. He has served as an assistant U.S. attorney, the deputy criminal chief, and multiple stints as first assistant and acting U.S. attorney in that office. Mr. Van Hook has extensive courtroom experience, litigating hundreds of cases, and trying 18 cases to verdict before a jury. He also clearly has the experience to make a fine judge.

We will hear more about our nominees in a moment. I look forward to hearing from each of them today.

Before I turn to Senator Durbin, I will ask everyone to keep their questions to 5 minutes. I will also announce that after my round of questioning, Senator Kennedy has agreed to preside over the remainder of the hearing.

Senator Durbin.

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

Senator DURBIN. Thanks, Chairman Grassley.

Today, we will hear from two judicial nominees and Andrew Tysen Duva, nominated to be assistant attorney general for the Criminal Division. Mr. Duva, I appreciate you coming by my office this week.

Criminal Division prosecutors handle some of the most complex and important cases in this country, including public corruption, child exploitation, and child sexual abuse material, white collar crime, money laundering, violent crime. The list is long. This mission used to have bipartisan support, but the Trump Administration has fired, fired dozens of prosecutors simply because they prosecuted January 6 rioters, and he has gutted the key Criminal Division components. I discussed this with Mr. Duva.

Look at the Public Integrity Section, also known as PIN, which is responsible for investigating and prosecuting public corruption cases. In March 2025, the Justice Department struck a corrupt bargain to conditionally dismiss charges against New York City Mayor Eric Adams in exchange for his cooperation with the Trump Administration on the deportation campaign. In response, several prosecutors resigned from the Department of Justice, including the U.S. attorney herself. A staunch conservative, she clerked for Justice Scalia and was appointed to her position by President Trump. She quit.

According to public reporting and credible whistleblowers, then-Acting Deputy Attorney General Emil Bove, who is now a circuit judge, convened a meeting where he ordered PIN prosecutors to sign the motion to dismiss the charges against Adams or face unspecified consequences. At the end of the Biden Administration, there were 30 prosecutors in this Section of Public Integrity. Now, the section has two, two.

There is a longstanding requirement that prosecution of public officials be reviewed by PIN career prosecutors to ensure they are not politically motivated. Attorney General Bondi has reportedly eliminated this requirement. At the same time, illegally appointed

interim U.S. Attorney Alina Habba is bragging that she will use her position as interim U.S. Attorney in New Jersey "to turn New Jersey red," while she prosecutes a sitting Member of Congress.

Mr. Duva, in our meeting this week, you told me you found value in collaborating with PIN attorneys on public corruption cases you prosecuted, and you had at least one that was noteworthy in a trial followed nationwide. So I want to hear from you when the questioning starts how you will rebuild this section, the Public Integrity Section, and restore its authority should you be confirmed.

I have heard the common refrain from Trump Administration and its supporters that purging DOJ prosecutors will have no effect on fighting crime. The numbers tell a different story in the first year of the second Trump Presidency. A recent Reuters article reported that the number of drug prosecutions under the Trump Administration has dropped to the lowest level in decades. The number of money laundering prosecutions has dropped by 24 percent. Nor are gun crimes exempt. Felon-in-possession-of-firearm prosecutions have fallen 5 percent this year.

I want to hear from Mr. Duva how he is going to reverse these troubling trends and how he can continue to divert resources from the Department of Justice to the mass deportation campaign without facing more statistics like these. Where are the Justice Department resources going if they are not going after narcotics and crimes like that? President Trump's mass deportation campaign.

This isn't about reducing crime. Despite President Trump's claims that he is going after the worst of the worst—oh, you heard the litany: rapists, murderers, terrorists, criminally insane, sexual predators—it turns out that just days ago, one of my constituents, Maria Greeley, was detained by ICE agents despite carrying documentation proving she was an American citizen. The agents questioned the validity of her passport. And do you know why? She looked Hispanic, and she had the name Greeley. Their antennas went up. She must not be who she says she is. And she said later on, I am a Latina. I am a service worker. I fit the description of what they are looking for over and over.

Let's be clear about what is happening in Chicago. President Trump is abusing his power by shifting Justice Department resources away from keeping American families safe to fuel his mass deportation campaign. He is deploying Federal law enforcement to zip tie children and tear gas peaceful protesters and journalists for political theater, not for public safety.

We need Justice Department officials who will honor their oath, and I hope that the three of you, if you have that opportunity, will do just that.

Let me close with a point that has been made repeatedly in this Committee. There are some Members of this Committee who believe that violence in the public place for elected officials is inspired by the left. Let me say at the outset, I am opposed to violence against public officials and others regardless of whether it comes from the right or the left. And I don't believe it is simply the province of the left to do these excessive and unacceptable things.

Yesterday, Christopher Moynihan was rearrested. Christopher Moynihan had been prosecuted for breaking into the Capitol on January 6 and admitted that he rifled through the desk on the

Senate floor of Senator Cruz. What happened was he was traced by local police to be involved in some threats against the life of Democratic House leader Hakeem Jeffries. This is what Mr. Moynihan said. "I cannot allow this terrorist to continue. Even if I am hated, Hakeem Jeffries must be eliminated." That was a man who received a full and unconditional pardon by President Trump earlier this year. He had been arrested for his activities on January 6.

The point I am trying to make and want to make clearly, violence, whatever the source, right or left, should not be tolerated by anyone on this Committee. And to say it simply from one side or the other is naive and doesn't reflect the reality of the world we live in.

I yield.

Chairman GRASSLEY. Thank you.

Before I call on Senator Kennedy and Senator Moody, Senator Cassidy asked me if I would say that he is unable to be here this morning because of another hearing in a Committee that he Chairs, the Health, Education, Labor, and Pension Committee. He wanted me to communicate that he supports both nominees and that he wishes them well at their hearing today.

Senator Kennedy.

OPENING STATEMENT OF HON. JOHN KENNEDY, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator KENNEDY. Thank you, Mr. Chairman.

It is my pleasure to introduce Justice Crain and U.S. Attorney Van Hook. Everybody on this Committee, those here, those not here, have read their resumes, and any fair-minded person can look at their resumes and see that they are eminently qualified. I will start with Justice Crain. He's done it all, finished LSU Law School, joined, eventually became a partner at one of the most prominent law firms in our State. After 20 years, he then was asked by the people to serve on the district court bench. He did. He was then asked by our people to serve on the State court of appeal. He did that. And now he is a member of the Louisiana Supreme Court.

Mr. Van Hook went to Centenary, LSU Law School, clerked for a very prominent judge on the Fifth Circuit, clerked for District Court Judge Stagg, whose seat he will be taking. He spent his career, his entire career, 25 years in the U.S. Attorney's Office, handled 600 cases.

Now, it is impressive—it is no secret that Senators have a lot to say about who the President nominates to these jobs, especially on the district court. And I, for one, want to keep it that way, Mr. Chairman. And I thank you for your courage with respect to Democrat and Republican Presidents for standing your ground on the blue slip, which I support unconditionally.

So it is no secret that we send the names to the White House. And I've sent names—during the Trump Administration, I've sent Democrats names to the White House. Now, they didn't pick them, but I sent them. And I don't really look at politics that much when I pick Federal judges. I will tell you what I look at. I look at judgment. First, of course, you want to make sure that an attorney is

qualified. I try to pick lawyers that everyone in the community will look at and go, well, you know, I don't know him that well, but man, you know, he is a lawyer's lawyer. That is the way we have always done it on the Federal bench and the way we ought to continue doing it. So that is my initial witness test. But then I look for judgment. And that's why Bill and I suggested to the President Will and Alex.

You will notice today that they have coolly unflappable demeanors. And underneath those coolly unflappable demeanors is a coolly unflappable demeanor. That's just the way they are. They've seen it all. They've heard it all. They're fair. Their just interested in resolving cases. And they're not that interested in politics. To my knowledge, neither one of them are interested at all. They keep the simple stuff simple, and they just try to do what they think is right.

Now, I am biased because I nominated them. But if you knew them, Mr. Chairman, and Mr. Ranking Member, and my colleagues, like I knew them, you would agree with me. And I am just so honored that they are here today with their families. And I am looking forward to this hearing.

Chairman GRASSLEY. Senator Moody.

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

Senator MOODY. Thank you so much.

It is really wonderful to be here this morning. As a former assistant United States attorney, Federal prosecutor out of Jacksonville, Florida, myself decades ago, I have the unique pleasure of today introducing President Trump's nominee to lead the Department of Justice's Criminal Division, Mr. Tysen Duva. He is also joined by his family, many I know from way back when. And it is so good to see you today, and I know he appreciates your support. These hearings are challenging sometimes, and they should be, and it is great to know you have people at your back that you love and that support you.

It is very good to see my fellow Floridians and great to see a fellow Floridian nominated for this position. He is indeed an example of prosecutorial excellence. He earned his bachelor's degree from the University of North Florida and graduated with his law degree from my alma mater, the University of Florida College of Law. Go Gators. I am trying to see in my first year as a United States Senator how many times I can say "Go Gators" on the record. It is looking good, and thank you for giving me another opportunity.

After law school, he spent several years working as an attorney at private law firms before clerking for a United States district judge, who I also got to practice in front of as a prosecutor, Judge Timothy Corrigan. Once that clerkship ended, he joined the United States Attorney's Office in Jacksonville where he has served for 18 years since.

His nomination to lead the Criminal Division at the Department of Justice is a direct reflection of what Attorney General Bondi said from the start. DOJ under President Trump and under her leadership as attorney general is going to return to its core mission. That is enforcing the laws and protecting the public. Having a pros-

ecutor with nearly 2 decades of experience at the helm of DOJ's Criminal Division demonstrates the Trump Administration's commitment to making America safe again.

It has a solemn duty at the end of the day to protect Americans and their safety so that we can do our job as a government and protect their rights. It is not a matter of if an American citizen lives in a red conservative town or a blue liberal city. Everyone deserves protection and people in positions that will work every day with diligence to make sure that they are doing their jobs and enforcing our laws. And that is why along that vein, as the DOJ returns to its core mission, they are putting people at the helm that can help them do that. And that is why it is critical that we have lawyers like Mr. Duva in positions like this one.

One of the highest honors in my legal career was when I was a Federal prosecutor and had the privilege of standing up in court and saying my name is Ashley Moody, and I represent the United States of America. I know Mr. Duva said that same thing and did that proudly and took that responsibility very seriously, and he will do so again at the helm of DOJ's Criminal Division.

From young new USAs to the leader of the Department's Criminal Division to now the Attorney General of the United States herself, President Trump is doing a fantastic job of bringing in patriots who believe in a nation under a rule of law and are entrusted now with DOJ's awesome powers and responsibility.

It is my honor to introduce Mr. Duva, who I know will bring his decades of experience of protecting others, standing as a guardian between chaos and order, crime and peace. He will bring that to the helm of DOJ's Criminal Justice Division, and I cannot wait to see you get started.

Chairman GRASSLEY. Thank you, Senator Kennedy and Senator Moody.

I would like to administer oath now.

[Witnesses are sworn in.]

Chairman GRASSLEY. They have all said affirmative answer to that. Please sit.

Now it is our tradition for you to introduce family and friends and then give your opening statement. I will start with Mr. Duva.

STATEMENT OF A. TYSEN DUVA, NOMINEE TO SERVE AS UNITED STATES ASSISTANT ATTORNEY GENERAL

Mr. DUVA. Thank you, Chairman Grassley, and thank you, Senator Moody, for that kind introduction. And thank you, Ranking Member Durbin, as well.

It is an honor to sit before the esteemed Senate Judiciary Committee to answer questions about my nomination as assistant attorney general, head of the Criminal Division. I never anticipated that I would have this opportunity, and I am deeply thankful.

First, I want to thank my Lord and Savior Jesus Christ. Everything I have above nothing comes from Him. I have not always pleased Him. In fact, I have stumbled many times. He has always forgiven me and welcomed me back.

I have many people I must thank and recognize, so I appreciate you bearing with me for just a few minutes.

I thank President Trump, Chief of Staff Susie Wiles, Attorney General Pam Bondi, Deputy Attorney General Todd Blanche, White House Counsel David Warrington, and head of the Personnel Office Sergio Gor for supporting my nomination.

Should I be confirmed by the Senate, I will use my experience as a prosecutor for almost 2 decades to do what I have always done, use my judgment, follow the rule of law and do good for the American people.

I'd like to introduce those in attendance, my wife, Julie; my brother, Brian. I'm going to talk about them in a moment. My friend, Charlie Meyer from Oceanside, California; my friends, Randy Jenkins and Chad King, from Gainesville, Florida. So we're going coast to coast before the Senate Judiciary Committee today.

For over 49 years, I've had the love and guidance of family, mentors, and friends. To my wife, Julie, I love you deeply, and I'm deeply thankful for you. During our years together, you have always handled the great times and the challenges, especially over the last few years, with your classic elegance, grace, and iron will. You are the most impressive person I have ever known and the best prosecutor I have ever seen. You served the DOJ for 27 years with great distinction. Many times you tell me, "I wish I could still do it." I carry that with me daily.

To our children, they were too busy to be here. They said, "Dad, you'll be fine, just go it alone." To our children, Emma, Zach, Ty, and Gavin, you are all extremely impressive and uniquely talented. It is and has been the privilege of my life to parent you through the highs and lows, keep God as your guidepost, and never back down from the challenges in front of you. I'm so proud of each of you.

To my parents, Tony and Diana Duva, thank you for parenting me. This is a fortune that sadly so many do not have. Together, you weathered life's storms and remained focused on your commitment to raising and guiding Brian and me. I love you dearly.

To my brother Brian and sister-in-law Ingrid, thank you for raising and guiding me. Brian, you were the best older brother and mentor a younger brother could have. Ever since I could form memories, I wanted to be you. I still do. That is the kind of man, brother, and mentor you are.

And I have some important mentors to thank, and then I'll wrap up. To my college baseball coach at the University of North Florida, the legendary Jack Dusty Rhodes, thank you for taking in a walk-on like me and giving me a chance. You taught me the difference between winning and losing and how to take a tough and disciplined approach to baseball and, more importantly, to life.

To George E. "Buddy" Schulz, when I first met you, I knew you were truly unique. You were one of the most elite trial lawyers in the country, and most importantly, you're a great man. Thank you for guiding me.

To the Honorable Timothy J. Corrigan and career law clerk Suzanne Wiseman, you gave me an opportunity as a young lawyer to serve as a law clerk. It was invaluable. You both embody the legal principles of the reasonable jurist for all.

To James R. Klindt, as the United States attorney in the Middle District of Florida in March 2007, you interviewed me and gave me

the opportunity of a lifetime to become an assistant United States attorney. When I started in the office in August 2007, I came into an elite culture of professional expectation and opportunity for those who earned it.

To the many law enforcement officers and prosecutors that I've worked with over the years, thank you for your commitment, experience, skill, and partnership. As a team, we made great and impactful cases for the citizens of our country. That is the calling, and we answered it.

Senators, I sit before you today for your consideration as a career public servant in the United States Department of Justice. I am an experienced Federal prosecutor. I have done the job the right way. As I said, it is a calling. Throughout my AUSA career, my prosecution teams represented the United States while marshaling complex investigations and charging decisions, litigating in Federal court and trying cases.

Through the wins and losses, I adhered to the rule of law. The job of a prosecutor is clear, do the right thing for the right reasons. If confirmed, I will bring that same approach to the Criminal Division. I look forward to working with its great and many public servants, many of whom I have worked with already. What we public servants have is our prosecutorial integrity. I will protect it.

I look forward to answering your questions today, and my goal is to earn bipartisan support during this advice and consent phase. Thank you.

STATEMENT OF HON. WILLIAM J. CRAIN, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

Judge CRAIN. Thank you, Chairman Grassley, Ranking—got it, got it, looking for the red light.

Thank you, Chairman Grassley, Ranking Member Durbin, and Members of the committee, for holding this hearing and giving us the opportunity to be here today.

I want to thank President Trump for this nomination. It is truly the professional honor of a lifetime to be nominated to serve my country on the district court—Federal district court.

I want to thank my hometown—or hometown—our home State Senators, Senator Cassidy and Senator Kennedy. Thank you, Senator Kennedy, particularly for the kind remarks that you made and for the assistance that you've given and support that you've given throughout this process.

I want to thank my father, who is not here today but is watching on TV. My dad was the second youngest judge ever elected in the State of Louisiana, and he's been a model for me in every aspect of my life.

My mother was my greatest defender, and I choose that word carefully. I never did anything wrong in my mother's eyes. We lost my mother about a month ago on September the 5th. I will tell you that there's a feeling with me today—and you would have to have known her—that she has some hand in my presence here today. She would be immensely proud, and we miss her very, very deeply.

I want to thank my siblings, my sister, my oldest sister, Sheila; my brother, Wes; and my sister, Emily, for all the support that they have given me as well.

I want to thank a couple of people that I practice law with. My senior partner in the law firm of Jones Fussell where I practiced for 22 years, Bill Jones. He taught me the—how to practice law. The attention to details that he taught me is something that I have used as both a practicing lawyer and as a judge.

And two of my closest friends were my law partners, Jeff Schoen and Wayne Buras, tremendous friends.

I also want to specifically give attention to two people on my staff because they have been there—been with me, one for just about my whole life, Lee Gillespie, who was a law clerk for me. Lee and I grew up together. We were roommates in college. I went on to practice law. He finished law school number three in his class at LSU, joined me as a law partner for 17 years, and then has served as a law clerk for me at the court of appeal and at the Supreme Court as my senior law clerk. He is simply the best, and I appreciate everything that Lee has done and been there for me.

I also want to specifically thank and acknowledge Janelle Baton. Janelle was 16 years old and an intern in our—in the law office that I've joined when I got out of law school. A year into my practice, I needed an administrative assistant/secretary, and I knew the one that I needed, and I hired Janelle. And she has been the only secretary and administrative assistant that I've had through my nearly 40 years of practicing law and being a judge.

Last, but certainly not by level of importance, I want to acknowledge my kids and their mother, Cheri. My children are grown and have successful careers in their own right. William, my oldest, has given me my two grandchildren, Parker and Collins; Matthew and Michael, twin boys; and my youngest is Elizabeth. Nothing that I do in any endeavor, nothing that I do will I take more pride in than what they do, and I am very grateful and thankful for them.

Thank you again, Mr. Chairman, for this opportunity, and I look forward to answering your questions.

STATEMENT OF ALEXANDER C. VAN HOOK, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

Mr. VAN HOOK. So I would like to thank President Trump for this nomination and Senator Kennedy and Senator Cassidy for their support. Senator Kennedy, thank you for your kind introduction. I'd also like to thank Chairman Grassley and Ranking Member Durbin for scheduling this hearing today and all of you for considering my nomination.

Here today with me are my wife of 20 years, Tricia, our children, Kate and John. I couldn't be more proud of Kate and John. They inspire me every day to be a better person. I'll give all the credit for their good qualities to Tricia. Tricia is not only my wife of 20 years, my best friend, she's also a talented lawyer in her own right. She and I both clerked together for Judge Tom Stagg, and as Senator Kennedy mentioned that I'll be in his court if I'm fortunate enough to be confirmed. And he was our mentor, friend, and unparalleled judicial icon in Louisiana.

I have some friends here with me today, all of whom I've known for almost 30 years or over 30 years and one of whom I've known for over 50 and could not be more grateful for them being here with me today.

Watching from home are my mother, Jane, and my stepfather, Patrick. They have both sacrificed so much for me. They've given me their unconditional love and support, and I appreciate all that they've done for me.

Also watching from home are Tricia's parents. They have been there for our family and, you know, would give you the shirt off their back and support us in everything that we do.

And finally, I'd like to acknowledge the talented men and women of the United States Attorney's Office for the Western District of Louisiana. They have helped me develop as a lawyer and are dedicated public servants who get up every day to serve the United States. They make our community safer, and they protect the interests of this great country.

And thank you so much to all of you for considering my nomination, and I look forward to answering any questions you may have.

Chairman GRASSLEY.

[Off mic] testimony to us in your opening statement.

We have 5-minute rounds. After my 5 minutes is up, as I previously announced, Senator Kennedy is going to Chair this hearing. I am going to start my questioning with Mr. Duva.

During your time in the U.S. Attorney's Office, you've developed impressive trial practice and have personally tried more than 20 cases to jury verdict. Please tell us how your experience handling the nuts and bolts of criminal prosecution has prepared you to lead this Justice Department of Criminal Division.

Mr. DUVA. Thank you, Chairman Grassley, and thank you for your time in your office last week. I thought we had a great discussion.

I think what you learn 18 years on the line as a line AUSA, as you progress into more complicated cases, is how to lead teams. And I did that with FBI, DEA, HSI, and many other agencies. I intentionally stayed on the line because of the specialties that I developed and I thought I made the biggest difference for the American people in the cases that I prosecuted. And in fact, you always want the next one. When you finish a great case and you have some in the hopper, you can't wait to get to the next one. So I felt like doing the nuts-and-bolts work, as you mentioned Mr. Chairman, is what will prepare me and has prepared me to lead the trial attorneys and their immediate supervisors and their supervisors in the Criminal Division because what we will focus on is doing the best cases that we can that make the biggest impact for all American people, regardless of who you are or where you live.

Chairman GRASSLEY. Justice Crain, you got an award from Louisiana's largest victim rights organization, Crime Fighters, Inc. And this is also an issue as Chairman of the Committee that I have tried to advocate for, victims' rights. Can you tell us a bit about the role of a judge in protecting victims of crime? And I congratulate you on your Judge of the Year Award from the Crime Fighters.

Judge CRAIN. Thank you, Mr. Chairman.

My first role as a judge—and quite frankly, the award, while I was honored to get the award, obviously, I didn't seek the award. The first role as a judge is to be fair and impartial to all the parties that come before the court. But you can't lose sight—and in Louisiana we have constitutional provisions that actually protect the rights of victims, so there are things that many States don't have that we have expressly done in the law to protect victims. So I was very proud to get that award, honored to get the award.

I do feel like at times that victims' voices—and maybe it's because they are not typically protected. The defendants' rights are constitutionally protected that come through the court, and oftentimes, the victims do not get the same protections. But once again, my job as a judge, my role as a judge is to be fair and impartial to all parties. And because of the laws in Louisiana, we're able to give particular protections to victims.

Chairman GRASSLEY. Mr. Van Hook, in the USA's Office, you've litigated hundreds of cases, and I said in my opening statement, I will repeat, you have tried 18 cases to jury. You've also served as acting U.S. attorney for the Western District of your State on three separate occasions. Tell us how your wide range of prosecutorial experience has prepared you for the Federal branch.

Mr. VAN HOOK. Mr. Chairman, you know, I've been fortunate, my entire legal career has been in service to the United States. I started clerking for two fabulous judges, one on the Fifth Circuit and one in the district court, and I then started the job of my dreams as being an assistant United States attorney. And in that job, I've appeared in Federal courts hundreds and hundreds of times and handled hundreds and hundreds of cases. And I've seen some judges that have been absolutely fantastic. And I have watched them treat people fairly, with dignity and respect, and move their dockets along in such a way as to provide justice to the parties before them. And I believe that just that front row seat has given me the perspective that I would need to be a United States district judge, if I'm fortunate enough to be confirmed.

Chairman GRASSLEY. My last question will go to Mr. Duva. During your career as a Federal prosecutor, you have earned numerous awards and commendations. You've received honors from the U.S. Attorney's Office, Department of Homeland Security, ICE, IRS, FBI, Secret Service. What have you learned from collaborating across these Federal agencies that you think will best serve you as the leader of the Criminal Division?

Mr. DUVA. I learned teamwork, Chairman Grassley. And the more complicated cases, as I mentioned before, as you grow as a prosecutor, you have to take the right steps at the right time and work together with the law enforcement agencies. And at times, I've worked with the Criminal Division, the fraud section, the public integrity section. And difficult cases are difficult to make. And I learned patience, strategy, teamwork, and the proper use of the grand jury to make those cases. But teamwork is the word that I would use most often.

Chairman GRASSLEY. Senator Durbin.

Senator DURBIN. Thanks, Chairman Grassley.

Mr. Duva, it was a pleasure to meet you in my office. I had never met you before, and you did well. You made, I thought, a con-

vincing, sincere presentation of your belief that the responsibility of the U.S. attorney is unique. You acknowledged the authority of the office and the power of the office to change lives. You have been involved in a case that drew national attention on public corruption, and we talked about that for some period of time.

The PIN section of the Department of Justice, which is part of your division if you are confirmed, has been reduced in number from 30 to 2, and the 2 are literally novice political appointees. I was heartened to hear you believe that the PIN plays an important role in making decisions involving prosecution of public corruption. There is a longstanding requirement that prosecution of public officials be reviewed by PIN's career prosecutors to ensure that they are not politically motivated. Attorney General Bondi has reportedly eliminated this requirement. When we met, you told me you thought PIN played an important role in the process. Do you agree that PIN prosecutors should review the prosecution of public officials?

Mr. DUVA. Thank you for the question, Ranking Member Durbin, and I enjoyed our 25 minutes in your office on Monday. I appreciate your time, and I thought we had a great and honest discussion.

To answer your question about PIN, I've worked with PIN in multiple cases. I tried a case against a former Member of Congress in 2017 with PIN, and it was a very good partnership. What I will do if I'm confirmed by the Senate is have a discussion with the deputy attorney general about repurposing PIN and figure out how to, if there's a lane, to buildup that section and make it a more robust section than it is.

I'm aware of the news. I wasn't involved in any of those decisions of it going from 30 lawyers to 2 lawyers. I understand some of those lawyers are detailed in other portions of the Criminal Division. But I think from my own experience, which is a specialty of mine, that public corruption prosecutions have an absolute place both in the U.S. Attorney's Offices and the Criminal Division, and I will have discussions with Deputy Attorney General Blanche because I believe the Criminal Division should have a footprint in those prosecutions in evaluating cases at the national level.

Senator DURBIN. We have seen reports of the indictments against former FBI Director James Comey and New York Attorney General Letitia James. Many of them were hastily brought by Lindsey Halligan, a Trump loyalist installed as the interim U.S. attorney when other prosecutors balked or were removed. I said to my staff how impressive our meeting was, and they said, what will he do when he gets the Comey call? What will he do as an 18-year veteran of the U.S. Attorney's Office when a political figure in this Administration says, this is what I want you to do, prosecute this person, whether it is a Member of Congress or someone who wronged the President in years gone by?

You said you have done the job the right way for 18 years, and I have no reason to believe you have not. The question is whether or not you are going to stand by that when you are faced with that moment. It could be a call from the White House. It could be a call from the Department of Justice. It could be a tweet by the Presi-

dent of the United States instructing you to prosecute an individual that you know there is no evidence against.

So let me ask you, Mr. Duva, what will you do?

Mr. DUVA. I will stand by—when I was sworn in as an AUSA, I took an oath, and I take it seriously, and I bring it before this Committee today. Those cases are not being handled by the Criminal Division. They're being handled by another U.S. Attorney's Office, the Eastern District of Virginia. I really don't know much about them other than what I've read about them, so I cannot comment specifically on those cases, and I've never met Ms. Halligan.

But what I can tell you, Senator, and what I told you in your office, is that I will always do one thing, and that is apply the facts to the law in any case, whether it's a public corruption case, a transnational drug case, or anything of that nature because that's what you're sworn to do, and that is the only path for a prosecutor. And as I mentioned in my opening statement, all we have is our integrity, and if I get a call or a referral, the case will go to a line attorney in the Public Integrity Section, or whatever section it is, and it will be worked up properly by properly using the grand jury, and we will investigate a case and make a charging decision based on the Justice Manual and the ethics of my office.

Senator DURBIN. Mr. Van Hook, you have been acting U.S. Attorney in the Western District of Louisiana. I am sure you are aware of the crime rate in Shreveport, Louisiana. What you may not know is the latest data shows that Shreveport has a higher murder rate than the city of Chicago. Is violent crime a problem in Shreveport?

Mr. VAN HOOK. Senator, violent crime is a problem anywhere, and in any murder—any—having one victim of a murder is one too many, and as the—being in leadership of the United States Attorney's Office in Shreveport, I've worked very hard with our State, local, and Federal law enforcement partners to do our best to help bring down the crime rate. We've worked with the district attorney there, the police chief. We've formed a collaborative partnership. You know, unlike a lot of places in this world today, we all get along there, and we've all worked very hard together to try to reduce crime.

Senator DURBIN. Do you think you need the National Guard to fight crime in Shreveport, Louisiana?

Mr. VAN HOOK. I don't think we need them, but I think they would be welcome. I think that the chief of police would welcome them. Chief Smith, I believe, would welcome their help, and I think that whatever resources could be brought to bear to reduce crime in Shreveport would be helpful.

Senator DURBIN. Thank you, Mr. Chairman.

Senator KENNEDY [presiding]. Senator Durbin, that was a good, good question, and yes, Shreveport has a crime problem. Most of our urban areas do. We have suburban crime and rural crime, but we do have a crime problem in Shreveport. You make a salient point.

Senator Britt.

Senator BRITT. Thank you, Mr. Chairman. And thank you to each of you for being here today. Congratulations on your nomination, and congratulations to all of your family members who are here in support of you.

Mr. Duva, I will start with you. I am concerned by the attacks on religious institutions and people of faith that we have seen across our Nation. It seems that there is a rise or emphasis, whether it is the Annunciation Catholic Church in Minnesota or the LDS Church in Michigan. These things have been clearly motivated by religious animus. And when I am looking at how we respond to this problem, it is my opinion that it will require engagements from a number of different divisions within DOJ.

But once you are confirmed and you are leading the Criminal Division, you know, how are you going to work to ensure that people of faith can practice that faith and worship and gather freely without fear of being targeted for their religious beliefs? Talk to me about your plan there and how you are going to work to hold those accountable who are responsible for the violence or those who are responsible for inciting the violence.

Mr. DUVA. Thank you for the question, Senator. And I want to note for the record that I was in your hometown of Enterprise, Alabama, on October 11 when I took my son, Gavin, a baseball player to a recruiting trip for Enterprise State Community College for which he received his first offer. So go Boll Weevils.

Senator BRITT. Go Boll Weevils. That is outstanding. And congrats.

Mr. DUVA. To answer your question, Senator—thank you.

In terms of violence against people of faith or any institutions, that is a serious matter. We live in a time where threats and violence, social media, and then carrying those out are all too familiar, and it is going to be important for the Violent Crime Section and the Criminal Division to have a strategy to deal with that.

We are living with people with their phones, they say anything, and oftentimes it's vile and disgusting and attacking to people of faith. And regardless of whether it's the Catholic Church or any other church or any religion, none of it is appropriate. I have prosecuted threat cases not against churches or people of faith but against judges, against lawmakers, and we will go through and go about those investigations as we always have. We will identify the threat, evaluate it based on the existing statutes, and make a prosecution decision. But violence against our institution, our churches, our Government, it must stop, and we must beat it back with appropriate investigations and prosecutions.

Senator BRITT. What about those on our law enforcement officers like what we have seen happen to so many of our ICE agents across the country, particularly in Dallas? I think that that is an example. We want to make sure that doesn't happen again. Talk to me about your approach there in protecting our law enforcement officers and then holding those accountable who incite violence on them.

Mr. DUVA. Yes, Senator. Assault on any law enforcement officer is improper, and it—regardless of how it's motivated or where it's motivated, if it's far right, far left, or whatever we're talking about. And I've prosecuted those cases. I've prosecuted drug dealers who assault DEA agents when they go in and execute a search warrant, and those same principles of those statutes apply in all cases. So that is something that the U.S. Attorney's Offices take very seriously. Again, I've done those cases in the Criminal Division as well.

Violence against law enforcement is illegal, and it will be prosecuted to the fullest extent of the law.

Senator BRITT. Thank you so much.

Now turning to our two judicial nominees, in the spirit of our Chairman, who always has the best lines of questioning in these hearings, I wanted to prepare and, you know, have some questions that would make him proud.

So my question to you, Mr. Van Hook, is can you explain how litigants establish subject matter jurisdiction in Federal court?

Mr. VAN HOOK. Well, a litigant in Federal court in the—on the civil side would need to file a complaint that would set forth the cause of action that would be recognizable in the Federal court.

Senator BRITT. Okay. And tell me, can litigating parties waive their subject matter jurisdiction?

Mr. VAN HOOK. No.

Senator BRITT. All right. Well, Judge Crain, a question for you. Current State of the Lemon test, can you talk a little bit about your understanding of the Lemon test and its role historically that it has played in the Supreme Court establishment clause jurisprudence?

Judge CRAIN. The establishment clause I can talk about.

Senator BRITT. All right. Let's go.

Judge CRAIN. I've dealt with. They have a—there's a First Amendment right, and the Government cannot establish a religion. That comes in many, many forms. So you've got both an exercise right and establishment right under that First Amendment. So we—I mean—excuse me. I've dealt with the establishment clause in some context, but generally speaking, the Government cannot establish a religion, and we have the right to free exercise of our religion under the Constitution.

Senator BRITT. Thank you so much, Judge. I hope I did well, Mr. Chairman.

Senator KENNEDY. You were awesome. Just vote right. You done, Katie?

Senator BRITT. Yes, I am.

Senator KENNEDY. Okay. Senator Blumenthal, who used to be U.S. attorney himself.

Senator BLUMENTHAL. Thank you, Mr. Chairman. I was a United States Attorney for 4½ years in Connecticut.

And so, Mr. Duva, your nomination has special significance. I think it ought to have enormous meaning to the entire Committee and to the Nation because you will have enormous power over people's lives. And I was impressed by your statement that essentially your ethic is to do the right thing for the right reasons. And unfortunately, what we have seen in recent weeks is prosecutions based on personal animosity or political considerations of two very prominent individuals, James Comey and Attorney General Tish James, where career prosecutors resigned because they thought it was the wrong thing for the wrong reasons, in fact, based on improper considerations, instructions from the President contained, among other places, in a post that he used to issue instructions. And so I want to probe a little bit on that question. Would you agree that no one should be prosecuted for their political beliefs or because they are a personal or political adversary of the President?

Mr. DUVA. Thank you for the question, Senator Blumenthal. I can't speak to those cases because I'm not involved.

Senator BLUMENTHAL. I am asking you in general, and I think it is a yes or no question.

Mr. DUVA. Yes, Senator. And as I said in my opening statement, individuals are prosecuted based on the facts and those facts as applied to the law. And for 18 years as an AUSA, I wrote a pros memo in every case.

Senator BLUMENTHAL. I am going to interrupt you with apologies because I have limited amounts of time.

Mr. DUVA. Yes, sir.

Senator BLUMENTHAL. I am going to take that as a yes, that they should be based on the facts and the law, not the President's personal feelings of animosity or political opposition.

Let me just followup because you are going to be in this position. If you are pressured by someone in the White House, including the President, to bring criminal charges that you believe are unsupported by the facts and the law, would you resign?

Mr. DUVA. We're going to evaluate every case that we receive, Senator, based on the facts and the law, and we will have processes. I mentioned a prosecution memorandum that I will evaluate at the highest level of the Criminal Division, and I will consult with the deputy attorney general, and my decision will be based solely on the facts and the law in every case.

Senator BLUMENTHAL. And I am asking what you would do if you are instructed to bring an indictment—to seek an indictment from a grand jury that you believe is lacking in facts and legal support? Would you resign? Would you stand up? Would you be counted? It is not enough to say we will review it on the process and so forth. Now is your time to tell this Committee that you will have the backbone to stand on conscience and conviction.

Mr. DUVA. I don't think I'll be in that position, Senator, but all I can say is I will do what I've always done based on the Justice Manual and the ethics of my office is evaluate cases based on the facts and the law and make decisions. They will not be based on personal animus. They will not be based on tweets. They will not be based on anything but the facts and the law in each case.

Senator BLUMENTHAL. I am disappointed in that response because I think it is less than the American people deserve by way of a commitment to the rule of law. But you did mention the Justice Manual, and I have a proposal, and I am hoping it will be supported on a bipartisan basis that would, in effect, among other things, codify the Justice Manual's prohibitions on political considerations in charging decisions and prohibit the White House from intervening or interfering in specific charging decisions. In addition, it would create a statutory right of action for people who are selectively or maliciously prosecuted. It would give them rights, much as they have in State court. I don't know about Louisiana, but in many State courts, there is a cause of action for malicious prosecution, and it would enact some key reforms in the grand jury process to ensure that the Government isn't abusing its power. Would you support those kinds of reforms, Mr. Duva?

Mr. DUVA. I'd be happy to work with the Office of Legislative Affairs and Legal Policy to have those discussions with the Com-

mittee and also the Senate. And many of those protections do exist in the Hyde Amendment, which is a Federal statute that addresses malicious prosecutions or prosecutions that are not based in fact, in law. So those protections do currently exist on the Federal level.

Senator BLUMENTHAL. My time has expired, Mr. Chairman. I thank you.

Senator KENNEDY. Thank you, Senator. Senator Blackburn.

Senator BLACKBURN. Thank you, Mr. Chairman, and thank you all for being here.

Mr. Duva, I do want to come to you. You know, I have got to tell you, I find it so curious that my colleagues across the dais are so concerned about weaponization, but under Jack Smith, they weren't concerned at all. And indeed, some of us were targeted by Jack Smith as a special counsel and with Arctic Frost. And ending two tiers of justice is something that A.G. Bondi has talked about. Having that one tier of justice in equal treatment is something that has been discussed. So as you're looking at this new role in the Criminal Division, I want you to talk for a moment about what you will do to end weaponization of our legal system.

Mr. DUVA. Thank you, Senator Blackburn, and thank you for taking time to speak with me yesterday. I really enjoyed our meeting.

The term weaponization is used quite a bit, and I think as a career prosecutor and in the Criminal Division, there are litigating components with the trial attorneys that you do what we've talked about. And every referral, every matter that's brought in by a law enforcement officer, it starts somewhere. And to begin a public corruption investigation or a nationwide fraud investigation or an international drug trafficking investigation, you have to have articulable facts and predication. You can't just start it because you feel like it. You don't start it based on a person because you don't like them. That is weaponization. You start based on the facts. This thing we believe, we have these articulable facts, have occurred.

And then you go to the statutes, and you begin your grand jury process with your grand jury subpoenas. And you work your way up to probable cause, whether it be a search warrant for electronic devices or whatever the case may be, a physical location. So there's a process that you go through and that I've become an expert in in handling grand jury investigations. And there's so much value in that. You learn so much about your case from the grand jurors. Every grand jury that I've presented before, they have—at the end of it, they have thanked me for the scope and the breadth of the investigations that I've been involved in.

So we're going to do it the tried and true way, Senator.

Senator BLACKBURN. Yes.

Mr. DUVA. We're going to evaluate the facts and apply those facts to the law and make charging decisions.

Senator BLACKBURN. Well, I hope that that will provide some solace to my friends across the dais because that is not what took place under the Biden Administration. And we saw it time and again. And of course, some of us are living it. So thank you. Thank you for that approach.

I also want to talk about Memphis. Now, we have Memphis Safe Task Force that is in place, and I am very grateful to Director Patel and A.G. Bondi and President Trump for the way they have approached dealing with crime in Memphis. Now, since the start of operations with the task force in September, we have had nearly 1,200 arrests. They have seized 200 illegal guns. Sixty-three missing children have been rescued. And you've got gang members that are now off the streets, which is great.

So one of the things we are focused on now is making certain that we get these cases into court. So I would like for you to talk a little bit about what you can do to ensure that we have rigorous prosecutions in these cases that are coming to us out of Memphis.

Mr. DUVA. Thank you, Senator Blackburn. I've lived that, but I've lived it in Florida in our Ocala division. I worked with DEA in Gainesville for 10 years, and there was a task force down in Ocala named the UDEST, the Unified Drug Enforcement Strike Force, so task forces are important because oftentimes those State and local officers have excellent informants. They have cooperating defendants. And you start there to build your multi-defendant cases.

And I've always said this. Multi-defendant drug cases solve gun violence and homicide problems. They go hand in hand. The tools of the drug trade are firearms. So I'm glad to hear that there's been great success in Memphis. I look forward to working with the Dangerous Drug Section, the Money Laundering Section, which I know is going to be put together to partnering with districts in Tennessee and throughout the country to evaluate and solve those problems. I've done it myself, I've seen the results, and the communities are very thankful when that occurs.

Senator BLACKBURN. I have one other question, but in the interest of time, I will send that to you as a QFR. We talked briefly about romance scams and the money that is being taken from many of our seniors, about $1.3 billion a year.

Thank you, Mr. Chairman.

Senator KENNEDY. Thank you, Senator. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

I ask the following two foundational questions of all nominees who come before any of the Committees on which I sit to gauge fitness to serve. So I will ask the panel, and I will start with Mr. Duva and go down the line in your responses.

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. DUVA. No, Senator.

Judge CRAIN. No, Senator.

Mr. VAN HOOK. No, Senator.

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

Mr. DUVA. No, Senator Hirono.

Judge CRAIN. No—excuse me. No, Senator.

Mr. VAN HOOK. No, Senator.

Senator HIRONO. For Mr. Duva, if confirmed, you would oversee the Public Integrity Section at the Department of Justice. Are you familiar with that section?

Mr. DUVA. I am, Senator. I've tried cases with the Public Integrity Section myself as an AUSA in the Middle District of Florida.

Senator HIRONO. So the Public Integrity Section targets corruption. So let me ask you, if an incoming member of the Government accepted $50,000 in cash in exchange for future government contracts, would that be a possible sign of bribery, or I believe you referred to it as public corruption. Yes or no?

Mr. DUVA. Senator Hirono, I'll answer that with any case that comes to one of our trial attorneys will be evaluated based on the facts and the law. I think you're referring to some recent news.

Senator HIRONO. So would you consider that, accepting $50,000—that might raise questions about a bribe. I mean, I think it is a bribe, but what do you say to it? Do you think that it is an indication?

Mr. DUVA. It depends on the facts and the law. I know you're talking about a specific investigation that has been declined by the Attorney General and the FBI. But if you repurpose that, it's not just one thing that happens. It is basically you have to evaluate and investigate what happens.

Senator HIRONO. Well, I think that there was no—whatever evaluation there was, although we are told by the Attorney General there was an evaluation, but we still don't know what happened to that money.

Let me ask you another question. If a member of Government complains that they don't have a nice enough airplane and then a foreign government offers to donate an airplane to them, would that be also a possible sign of bribery or public corruption? Again, yes or no?

Mr. DUVA. I think you're talking, Senator, about the Emoluments Clause. I think it's the first I've heard of that clause in the news recently in the last 6 months or so. That is not something that the Criminal Division would weigh in on. That is an Office of Legal Policy question.

Senator HIRONO. Well, you can sit there and tell me that it is an issue that will go to some other entity, but, you know, you are going to be running a department that concerns itself with public corruption, so I just want to know. I think the American people would like to know whether something like that, where a President accepts a plane that is worth some $400 million, whether that indicates bribery or public corruption.

You are not responding, so let me ask you another. If a member of the Government wants to build a new government building and Big Tech billionaires jump in line to pay for it, would that raise concerns about bribery or public corruption?

Mr. DUVA. Senator, I don't know what specific incident you're talking about. I'm not familiar with that——

Senator HIRONO. Building of a ballroom.

Mr. DUVA [continuing]. But as I said before——

Senator HIRONO. The demolition of the East Wing and a building of the ballroom, you are aware that that is happening?

Mr. DUVA. I am aware of that.

Senator HIRONO. Does that indicate public corruption or bribery?

Mr. DUVA. I don't see how that is. I don't know how that came about or the procurement for it or who's involved. That's just not something I'm familiar with.

Senator HIRONO. The President decided that it would be a good idea, and companies are jumping in line to try and curry favor with him.

For Justice Crain——

Mr. DUVA. And again, Senator, we operate on the facts. I don't know the facts of that.

Senator HIRONO. I am running out of time. Thank you very much for your non-answers.

For Justice Crain, when you were running for the Louisiana Supreme Court in 2019, a news article stated, "Crain has become the favorite choice of Big Oil and other industry and statewide business groups, viewed as a sympathetic ear for an industry facing pending litigation by coastal parties and landowners seeking payment for decades of alleged damage to coastal land by oil and gas companies."

Justice Crain, did Chevron, the Louisiana Oil and Gas Association, and Koch Industries donate to your campaign?

Judge CRAIN. Senator, I don't know because campaign contributions in Louisiana go through a campaign committee that we are prohibited from soliciting or participating in.

Senator HIRONO. Oh, so you don't know who contributes to your campaign?

Judge CRAIN. I do not know specifically whether those entities——

Senator HIRONO. So therefore, if entities like this, which by the way, they did donate to you, you have no awareness of them donating to you so that if matters that relate to them and their interests come before you, you wouldn't even know whether to recuse yourself? Is that the situation?

Judge CRAIN. Well, that actually is, I think, one of the rationales and motivations for the prohibition for us being able to solicit or participate in it.

Senator HIRONO. Well, it is pretty clear that you favor these industries, and as a matter of fact, when a case came before the Louisiana Supreme Court, you dissented from the court's majority to support the oil and gas industries. So thank you very much.

I have some other questions that I will submit for the record, Mr. Chairman.

Senator KENNEDY. Thank you, Senator. Senator Moody.

Senator MOODY. Thank you, Mr. Chairman. It is great to be here with some great people. Appreciate you and all your families showing up here today to support you.

This panel, I believe, reflects some of the very best among our American legal profession. Mr. Van Hook, you spent over 25 years prosecuting all sorts of cases in the U.S. Attorney's Office for the Western District of Louisiana. Justice Crain, you served at each level of Louisiana's judiciary from the trial court to the court of last resort. And Mr. Duva, you have made an entire career out of doing justice, going after the bad guys from drug traffickers to fraudsters and corrupt public figures. You have gotten up each day, put on the white hat, and worked to defend the rule of law in this country.

I am an attorney. Attorneys often get bad raps. I think it is so important that we remind Americans that there are lawyers like you that use their law degree for good and just causes to serve their fellow Americans, and we thank you for that. We need more like you. Unfortunately, we often see bad examples in the legal profession, and I always like to highlight when we are seeing remarkable works by remarkable men and women, so thank you very much for being here today.

I want to start off with Mr. Duva. I have noticed that President Trump—and I commend him for this, in leadership and many of nominations, and not just within the Department of Justice but in other agencies, people are being brought in from across America that might not have worked in agencies before. They might have been working in the details of what that agency is seeking to accomplish in the day-to-day work, but in other States, in other ways, certainly that is you. You are being plucked from the great free State of Florida and being asked to come serve in a leadership capacity here in Washington. I, for one, think that is great. It brings fresh eyes, perspective. You know, it gets away from someone maybe that was raised in the petri dish of the swamp, and it brings in someone to focus again on what is the mission of the agency, and how do we remain true to that?

In that vein, if you are confirmed in this position, you will be asked to do a lot of hiring and filling out your ranks to complete the goals of that mission. And I would like to hear from you—and I know the Committee would—what type of attorneys will you be looking for to fill the ranks of your division?

Mr. DUVA. Thank you, Senator Moody. And you and I came into the same culture in the Middle District of Florida. We were hired by the same U.S. attorney and first assistant. You were hired by Paul Perez. I was hired by acting U.S. attorney Jim Klindt, who was his first assistant. We both came into an office of elite culture and opportunities for those who deserved it, wherever you came from. It didn't matter if you went to Harvard or you went to Florida Coastal or wherever you went. That's the attitude that I'm going to have.

And I'm a sports fan, so I sometimes call lawyers players, and I don't mean that. I'm looking for great players. I look at myself as a general manager trying to find the best possible players that I can, and I'm looking for trial lawyers. I'm looking for lawyers, men and women, who have been at the endgame, tried difficult cases, and know what that feels like because it's really, really difficult.

Being inside the courtroom gives you an experience like no other, and it's not just the basic cases, but as you develop into prosecuting the complicated cases because that's what the Criminal Division is going to do. I always tell AUSAs that you're only as good as your best 10 cases. What are they? If they're the same topic, it's probably not great, but if it's a diverse topic and you've had multi-week jury trials, you've worked with teams of agents, you worked with agencies together, State and locals. Your husband was a DEA agent, investigated and prosecuted complicated international drug cases. I've done that with DEA. I've lived that life, and those are the lawyers that I'm going to be looking for, people that get up,

they're ready to fight, they've tried cases. I want them in supervision, and I want them as trial attorneys. And also those that are in the appellate section. They've done the appeal work, they've been in other parts of the Department of Justice, and they're tried and true. That's what I'm looking for.

Senator MOODY. Thank you, Mr. Duva. And one of my greatest concerns, having come into the Senate—obviously, I am one of the newest Senators here—is watching the American trust of our judiciary erode. We have to have confidence that our judiciary is fair and impartial. District courts uniquely interface with litigants. Our higher courts, our circuit courts of appeal, the U.S. Supreme Court, they are often dealing with briefs and attorneys, but you interface and trial courts will interface with litigants. How can you use that unique role to shore up trust in the judiciary? Either one.

Mr. DUVA. Where I come from in Jacksonville——

Senator MOODY. I am sorry, I was directing that to Crain or Van Hook.

Mr. DUVA. Oh, sorry.

Senator MOODY. I apologize. Although I love your energy and enthusiasm, Mr. Duva.

Judge CRAIN. Well, I join you in that, and I think that we have to be conscious every day that the strength that we have in the judiciary comes from the public's confidence in what we do. I'm a firm believer that one of the ways that we do that is to fairly and impartially apply the rule of law, that there should be some predictability. If you read the law, you ought to have some idea of what you're going to be faced with when you go into court. I think that's important for public confidence.

The other is to treat all of your litigants, all of the parties with dignity and respect. I think that you have to treat them the way you want them to treat you in the institution, with dignity and respect. So those would be the things that I would say would be important to foster public confidence in the judiciary.

Senator KENNEDY. Thank you, Senator. Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Senator Kennedy. Good to be with all of you.

Mr. Duva, thank you for the time in my office with you. I wanted to ask you a couple of questions. We know from personal experience about what used to be called the U.S. Attorney's Manual and is now called the Justice Manual. Will you adhere to and enforce the procedures and processes of the Justice Manual as Criminal Division chief?

Mr. DUVA. Senator Whitehouse, thank you for your time yesterday in your office. I really enjoyed our conversation. I thought it was open and honest.

Yes, I will do that.

Senator WHITEHOUSE. There has been a contacts policy in force really driven by pressure from this Committee going all the way back to when Senator Hatch Chaired it under the Reno Department of Justice that limits the people who can talk to each other about criminal cases to a very, very few at the top of the White House and to a very, very few at the top of the Department of Justice.

And as we discussed, the obvious reason for that is to protect the Department and indeed the White House from junior G-men squirrels in the White House or in the Department of Justice from cooking up mischief that their seniors, the people who are publicly accountable, aren't aware of. And that mischief is at its worst and at its most dangerous if it is coming through criminal prosecutions that aren't well founded and haven't followed proper process and procedure. What is your understanding of the current contacts policy of the Department of Justice? And will you adhere to that and make sure your staff adheres to that?

Mr. DUVA. Senator, I believe that policy is being evaluated by the Attorney General and the deputy attorney general. I believe at the beginning of this Administration, there was a blanket memo that rescinded prior policies, including the contacts policy. I believe that was part of it, but there is going to be one forthcoming. I will abide by the policy, and I will expand on that. And as cases rise up through the Criminal Division for my evaluation, I will be speaking with my counterparts at the law enforcement agencies at my level about those cases. And if there's any inquiries from the White House over to the Criminal Division, I will be following the policy, which I'm sure will be along the lines of what you're talking about, very few people in the DOJ talking to very few people in the White House about specific cases.

Senator WHITEHOUSE. Well, I would urge your DOJ handlers here to be sure to let the Committee know as quickly as possible when that forthcoming thing comes forth because, frankly, I don't think this Committee was aware officially until now that this was a lapse in many decades of a contacts policy. I think the only previous lapse was under Attorney General Gonzales, and that did not work out well for him.

You mentioned earlier that you have prosecuted—in fact, we discussed that you had prosecuted or at least investigated cases of threats against judges. As you know, there has been a plague of threats against judges. I want to make sure that you will commit that you will follow the evidence where it leads, which includes potential orchestration of those threats. In some cases, it is not enough to simply investigate the individual who uttered the threat. In some cases, the evidence suggests that somebody is behind a pattern of threats either as an enterprise or as a conspiracy or in some other fashion. And I have been unable to get any reassurance from the Department of Justice that they will investigate orchestration of threats where there is predication of that orchestration. Will you?

Mr. DUVA. You go where the evidence takes you, Senator. I've prosecuted cases, threats against judges, as I've mentioned before, whether they're solo—excuse me, solo threats or otherwise, and you evaluate where the case takes you. Threats from any group toward judges, legislators, executives, anybody is inappropriate, no matter where the orchestration occurs. So you follow the evidence, just like you do in a drug case, just like you do in a corruption case. You follow the evidence where it leads, and that's exactly what we will do in the Criminal Division, not just in those kind of cases, but all cases.

Senator WHITEHOUSE. Well, my concern is that there is a ban somehow on investigating that, that the Marshals Service is being discouraged from pursuing those cases that the FBI, to which the Marshals Service usually hands off cases, is being discouraged. So keep an eye out for that because that would be highly improper.

Mr. DUVA. Yes, sir.

Senator WHITEHOUSE. Last, and I hope this is something we can work together on, Senator Graham and I support a piece of legislation that allows for what you and I would call *in rem* proceedings against assets. And as you and I both know, right now under U.S. law, asset seizure up to $500,000 can be prosecuted against the asset, *in rem*, against the thing. And that is why we have cases all over the place with weird names like *United States versus $40,000 from the trunk of a 1979 Chevelle* because the asset is the target. Notice goes to the world, and anybody can come in and challenge the seizure of that asset, but you don't have to go through enormous, enormous effort to show ownership. You do it the other way around.

Where this really comes to bear is where we are dealing with corrupt foreign criminals who have huge assets but have spent a lot of time hiding those assets behind all sorts of different legal screens. Cypriot bank accounts, Dakota trusts, Cayman Islands fake corporations, all of that.

So I will ask you, and I will followup with a question for the record because I have gone over my time now. I will ask you to take a good hard look at whether the work of the Marshals Service seizing these very expensive assets would not be simplified quite a lot by letting the proceedings be pursued *in rem* and ask for an explanation of why a foreign criminal or kleptocrat should have more rights in the U.S. court system for a billion-dollar asset than a regular ordinary American does with respect to their property up to $500,000.

So let's take that under advisement so you have a chance to reflect on it. And we would like to pass that bill. We would like to get technical assistance from the Department and its support for it, and thank you.

Mr. DUVA. Thank you, Senator.

Senator KENNEDY. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman. Congratulations to the nominees. Thank you for being here.

Mr. Duva, if I could just start with you. I have noticed that you have been asked a number of questions about hypotheticals, about political interference, what would happen if so-and-so tried to interfere in an investigation? What would happen if you were asked to pursue politically motivated ends? What would happen if you were asked to pursue or launch a politically motivated investigation?

So let me just ask you about a non-hypothetical just to get your response, something that actually happened, like, for example, the United States Department of Justice seeking to track the cell phones of eight members of the U.S. Senate without any criminal predicate, without any notice to any Senator, multiple of whom sit on this Committee, including myself, without any legal process to the Senator targeted whatsoever. They tracked all incoming calls to our phones, all outgoing calls to our phones, all metadata associ-

ated with the calls, including location, the duration of the calls. Does this sound appropriate to you? Does this sound like appropriate behavior for the Department of Justice to be engaged in?

Mr. DUVA. Senator Hawley, I appreciate the question and I'm noticing the panel's asking me a lot. I'm happy to share with my colleagues as we keep going in this discussion. But sir, what I think you're talking about is issuing a grand jury subpoena for cell phone records. And in any investigation, you better have, pursuant to the Justice Manual, specific and articulable facts about why you're doing that. If you do not have that and you cannot articulate those facts under 18 USC 2703, that subpoena does not get served.

Senator HAWLEY. You know, the other thing that is interesting about this context, and I appreciate your answer, is that the records that they sought to track and trace and tap, the devices that they sought are in the possession of Senators pursuant to their constitutional duties. 2 USC Section 6628(a) specifically says that those records do not become the possession of cell phone companies, they don't become the possession of Verizon or AT&T or whomever. They are retained by the Senator's office. Why? Because these devices are used pursuant to the speech and debate responsibilities of Senators.

Yet the Justice Department did not inform Senators, did not seek from our offices these records. They went instead, ex parte, to the telephone companies, got the records apparently, again, with no criminal predicate that we know about, no process whatsoever. It is a grotesque violation of statutory law and also the separation of powers, particularly the speech and debate clause. Here you have an executive branch directly spying on members of the legislative branch while they are performing their constitutional duties.

Let me just ask you, Mr. Duva, does this sound like something we want to normalize? I mean, is this something you would like to see the current Justice Department doing on a regular basis? I mean, should they be tracking the cell phone records of everybody down here on the left side of the dais? Would that be a good thing for the country?

Mr. DUVA. Clearly no, Senator.

Senator HAWLEY. Clearly no, clearly no. I can't tell you what an outrage I think this is, and so it is just a little bit hard for me to stomach sitting here and listening to be asked about all of these various hypotheticals. This isn't a hypothetical. This happened. It happened, and so far, there have been exactly zero repercussions for it.

And I just want to say that if my colleagues are serious about stopping political weaponization of the Justice Department, why don't we start with this right here? Why don't we find out who authorized this? Why don't we find out what laws, if any, were broken? Why don't we appoint a special prosecutor to go after this and get to the bottom of it? And I will just reiterate my calls for this Committee to do full oversight hearings on exactly what happened as part of this weaponization, as part of this, I think, both illegal and unconstitutional targeting of United States Senators in their constitutional responsibilities.

At the same time, the same Justice Department was also targeting, we now know, thanks to whistleblowers, 92 separate con-

servative organizations, including Charlie Kirk's Turning Point USA, a campus organization. Why? I guess because it was conservative.

I mean, this is the most unbelievable abuse of the Justice Department that I have not only seen in my lifetime, that I have ever read or heard about in our country's history because it is not one little thing. It is an entire pattern. This is the same Justice Department that sent a SWAT team to the home of a pro-life demonstrator. This is the same Justice Department and FBI that tried to recruit informants into Catholic parishes. This is the same Justice Department that targeted the chief political opponent of the then sitting President for prosecution to try to keep him off of a ballot. I mean, it is unbelievable.

And I hope that my colleagues agree, I hope we can all agree, we cannot allow this to become the norm. And I hope, Mr. Duva, if you are confirmed, you will do your part in the Criminal Division to make sure that the resources of this powerful, powerful agency are used for good to protect the American people, protect the rule of law to put violent criminals away, not to prosecute the political agendas of some politician somewhere.

Thanks for being here.

Mr. DUVA. I will, Senator, thank you.

Senator KENNEDY. Senator Welch.

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

Senator KENNEDY. Could you say that again? Mr. Chairman.

Senator WELCH. You know——

Senator KENNEDY. I like that.

Senator WELCH. You know, I am amazed at how quickly it went to your head.

[Laughter.]

Senator KENNEDY. You shouldn't be. You know me well.

Senator WELCH. Well, that is true, but I wanted to keep it on the down low so you could at least maintain the appearance of a reasonable person.

[Laughter.]

Senator WELCH. But it is good to have you, Mr. Chairman.

Judge Crain, in the State of Louisiana, judges have to run for election, which I think has some unfortunate consequences. That obviously is not your creation. If you want to be a judge, you got to run. But it meant you had to do what we have to do. We had, I guess in one of your campaigns, $1.2 million. And I know you will get legal contributions, and that will include from the oil and gas industry, which does have litigation in front of the court.

And I know that one of the controversial cases that you had to make a decision on involved *Chevron* and *Hess*, which the dispute was about drilling and operating oil and gas wells on the plaintiff's property and that those companies were accused of failing to follow State environmental laws for the pits that they created, and there was a lot of environmental damage.

I am not questioning your decision on that, but I just wonder if you could give me your thoughts about the obvious question that people would see who are not involved, that this could create a conflict of interest. I mean, they would say that about us as well, so

I am not singling you out. But where you are a jurist, you have the responsibility of making a fair and impartial decision, yet in order to get elected under the law of Louisiana, not your law, you have to raise money, and these companies that have litigation before you make contributions to your campaign. Do you think it makes sense to have judges have to run for election and raise money from the people whose cases are going to be brought before them?

Judge CRAIN. Senator, first of all, as you've acknowledged, that is the rule that we have in Louisiana. We've been electing judges in Louisiana, as far as I know, since its inception. We believe in the electoral process. Is it perfect? No. Could some people suggest that it creates the appearance of partiality to one side or the other? I think that's a fair assessment, that it could. Now, I will say——

Senator WELCH. So do you think it—I am sorry. Go ahead.

Judge CRAIN. I will say that we have tried, or the legislature has tried, we at the Supreme Court, with the rules that we put in place, have tried to inoculate ourselves as much as possible by not—or by being prohibited from soliciting contributions. But you get to access——

Senator WELCH. All right.

Judge CRAIN [continuing]. Our campaign finance reports.

Senator WELCH. I understand that. It is just a question of whether that makes sense. You will be in a different situation.

But let me ask you, Mr. Duva. I had a nice visit with you. I appreciate that. Foreign Corrupt Practices Act, I am very concerned, to be candid, that the Trump Administration seems to be taking the position that we really shouldn't enforce it. And of course, that is the provision that says our companies can't bribe foreign officials in order to get business. And I notice that the Criminal Division has recently declined to prosecute Liberty Mutual Insurance Company after the company itself disclosed that it had paid $1.47 million in bribes to officials at State-owned banks in India in exchange for them referring banks to the company.

In my understanding, the Trump position is that, look, everybody does it, that is the way the world works. I disagree with that. It may be that a lot of people do it, and it may be the way a lot of the world works. But I think one of the things we are proud of is that our companies make their case on the basis of quality of product, service, and price. What is your position on vigorous enforcement of the Foreign Corrupt Practices Act?

Mr. DUVA. Thank you, Senator Welch, for the question, and thank you for the visit yesterday. I really enjoyed our discussion.

I'm aware that there was a stay on FCPA cases based on an executive order in February. There's now a Deputy Attorney General Blanche memo from June of this year, and it set parameters for these cases going forward. I will abide by that. The focus will be on transnational criminal organizations where bribes are involved and also market manipulation scams.

And now the Criminal Division has charged, I believe, eight or nine of those cases this year, and just successfully concluded a trial under the Foreign Corrupt Practices Act where there were guilty verdicts by the Criminal Division in that case. And I look forward

to abiding by that memo and progressing the good work of the men and women in that section.

Senator WELCH. I thank you. My time is up, but I spent a lot of time giving a hard time to the Chairman, so I just have one more question.

Senator KENNEDY. You can have more time.

Senator WELCH. Just one more question.

The Public Integrity Section has been decimated. People have been sent from where they were working to other locations. It is down from 20—there are only two attorneys and one paralegal, and that is in contrast to 36 full-time career attorneys and 12 paralegals. I believe that is an incredibly important unit within your division. What are you going to do, and what is your position about how that has been decimated?

Mr. DUVA. Thank you, Senator Welch. Ranking Member Durbin asked me that question right out of the box, and I've answered it a couple other times. I'm happy to answer it here. We're going to evaluate that section. I've tried cases with the Public Integrity Section. I know they've had very good lawyers over the years. I want to evaluate with Deputy Attorney General Blanche how that section is going to exist, how we might have a nationwide approach because I believe that the Criminal Division should have a footprint in nationwide public corruption cases. That's something that I did as an AUSA. I investigated and prosecuted public corruption cases at the national, State, and local level, and I look forward to that discussion, and thank you for the question, sir.

Senator WELCH. Thank you.

Senator KENNEDY. Senator Lee.

Senator LEE. Thank you, Mr. Chairman. Thanks to each of you for being here.

Mr. Duva, I would like to start with you if that is okay. Congratulations on your nomination to be the assistant attorney general——

Mr. DUVA. Thank you, sir.

Senator LEE [continuing]. Over the Criminal Division. Your experience as an assistant U.S. attorney in the Middle District of Florida will serve you well. In that role, you have done a number of things, including going after major international drug defendants and people who have done our country harm.

Over the last few years, we have seen a massive set of gains achieved by international drug cartels who had a shocking degree of permissiveness shown to them as they trafficked millions upon millions of people into the United States, illegal immigrants, who also trafficked an unprecedented amount of harmful drugs, including enough fentanyl to kill a lot of people in this country. How will you work, if confirmed as assistant attorney general over the Criminal Division, to help dismantle the international cartels and their drug trafficking and human trafficking experts? And do you think that is a battle we can win?

Mr. DUVA. Thank you, Senator Lee. I appreciate the opportunity to meet with your staff, met with your general counsel and your chief of staff. We had a great meeting yesterday. That's a great question. I've been doing that for much of my career. At the U.S. Attorney's Offices, particularly in the Middle District of Florida

where I work, you build those cases from the mid-level up, and it's a fight that we're always going to fight. And I've seen firsthand in cartel-related cases and also following the Take Back America memo of Deputy Attorney General Blanche, that is going to be a foremost focus of the Criminal Division to prosecute—investigate and prosecute transnational drug crime.

As you mentioned, the drug cartels will do anything for money. They'll traffic people, they'll traffic fentanyl. They will take money from people operating legitimate businesses in their space. They will internationally launder money in any way possible. They're very good at it. But that's a fight that we're never going to give up. We're going to work hand-in-hand with the U.S. Attorney's office, the Dangerous Drug Section, the Money Laundering Section, and we are going to investigate those cases with vigor.

It's something that I did for many, many years, well over a decade in the central part of our State. And it's not just buying drugs off the corner. It's not doing the simple car stops. Those are minor tools in those investigations. You build them by your informant base, by your cooperating defendants, by charging minimum mandatories, by flipping defendants, proffering them, putting them in the grand jury, seeking indictments of other individuals. And you do that from where I did it in the Ocala Division, in the Jacksonville Division, in the Middle District of Florida. You go south to Miami, you go north to Atlanta. Those cases take you to the border. And they end in Mexico and Colombia and other countries throughout the world. I've worked with OIA to extricate defendants from Colombia, from Mexico, and that's a fight that we're never going to give up because it's critically important.

And I've seen that at the other end. I tried a case, one of the most difficult cases I tried, a 19-year-old girl in Jacksonville who had just graduated from a local high school and had enlisted in the United States Army. Before she was going to enlist, she had a summer job at a Cracker Barrel restaurant. She got in with the wrong crowd. She was dating the wrong guy. He and another guy got heroin laced with fentanyl. First time drug user, dead. I sat in her parents' house and I told her I would bring those to justice. And we didn't just make the first case. We made the next level and the next level. And we tried the last level of the case. That didn't bring their daughter back. But I've seen that at that end, and I've seen that at the 100-kilo end, and that's a fight that I'm never giving up.

Senator LEE. It is a strange market, isn't it, that will inject into their product another substance that is even more deadly than the product they are selling. Ordinarily, wouldn't that be a poor market decision to poison your own customer base? And if so why does this happen in this industry?

Mr. DUVA. The cartels will sell anything Americans and other citizens throughout other countries will take. Unfortunately, there's a demand for fentanyl. And you see numerous overdoses with the same individuals. It creates a horrific toll on them and their families and often leads to death. And the cartels don't care. They know there's 365 million Americans. If they kill some, frankly, that's their goal in many instances. But they will traffic whatever Americans will take. And that's why, as the Department of Justice, the

Criminal Division, the U.S. Attorney's Offices, that has to remain at the forefront of the investigations and prosecutions because it's disgusting, it's vile, and it ruins people's lives.

Senator LEE. A few years ago, I spoke to a man whose daughter had passed away under similarly tragic circumstances. And I asked him a similar question and asked him, you know, why would the dealer not see that book of business dry up after that? And the answer was stunning. To the effect that there are some dealers almost regard it as a plus, almost a selling point. Wow, they have got strong product. Have you seen this assumption being made?

Mr. DUVA. Hundreds of times, sir.

Senator LEE. Yes, tragic. Thank you for your willingness to serve.

Senator KENNEDY. Senator Schiff.

Senator SCHIFF. Thank you, Mr. Chairman.

Mr. Duva, first of all, thank you for taking the time to meet with my staff. I appreciate that.

I served in the U.S. Attorney's Office in Los Angeles. I was also in the Public Corruption, Government Fraud Section, prosecuted corrupt government officials, fraud cases, an espionage case against an FBI agent who spied for the Russians. In all the time I was in the office—I was in the office for about 6 years, so considerably less time than you were. But nevertheless, never had any political figure contact me to tell me you should bring a case against so-and-so or you should refrain from bringing a case against so-and-so, never had that experience. And I worked predominantly under Republican Attorneys Generals until I think the end of my tenure in the U.S. Attorney's. Was that your experience as well? Did you ever have a political figure tell you who you should prosecute or that you should refrain from prosecuting someone?

Mr. DUVA. Senator, I enjoyed the meeting with your staff yesterday. I see them behind you. We had a great discussion. I thank you for that opportunity to be in your office.

And the answer to your question is no. Nobody's ever told me to prosecute a specific person or not to prosecute a specific person.

Senator SCHIFF. And how would you handle a circumstance where someone did tell you to prosecute someone or that, conversely, you should drop a case against someone for political reasons?

Mr. DUVA. Those who are responsible for my nomination, sir, I'm confident that they know my background. I'm confident that they know I've never done that and will never do it. And I'm confident that they know that I will only follow the facts as applied to the law.

As I said before to Ranking Member Durbin's question, any kind of public corruption investigation—and you know this from your 6 years in the U.S. Attorney's Office in the Central District of California—there has to be predication. You can't just investigate somebody to investigate somebody. There has to be specific and articulable facts that predicate an investigation. And I've evaluated that even to start an investigation and worked hand-in-hand with the FBI when I've done my local public corruption cases, my State-based public corruption cases, and the nationwide public corruption cases that I've investigated. If you don't have it, you don't start it.

Senator SCHIFF. You know, Mr.—I heard you make a similar response to Senator Durbin in terms of you don't think you will be put in that position. And it calls to mind a conversation I had with Mr. Blanche prior to his confirmation when I think he expressed the same view, I am not going to be put in that position. And we have heard that from any number of nominees in this Administration. I don't expect I will ever be put in the position that you are describing, and yet they almost all have. I am grateful for your optimism, but I think it probably is only a matter of time before you are put in that position. And as my colleagues have indicated, I think the question is how will you respond when you are put in that position, not whether it will ever come up.

So let me ask you this. Ever since Watergate, there has been a strong norm, guardrail that has maintained the independence of the Justice Department from pressure from the White House. This was part of the post-Watergate reforms. And it served our country remarkably well in insulating the Department from political pressure. Presidents over the course of years have set general policies. I want to see more prosecution of drug cases, or I want to see more prosecution of corruption cases, or I want to see more prosecution of illegal immigration cases. But since Watergate and until now, we have not seen a White House identify individuals they want prosecuted. This goes beyond anything I think we saw during Watergate.

So let me ask you as a general matter, what is your view of the desirability, I think necessity, of maintaining the independence of the Justice Department from political pressure emanating from the White House?

Mr. DUVA. Thank you for the question, Senator. I look forward to—of course my direct report will be Deputy Attorney Blanche, who you mentioned. And I've had multiple interactions with him. I believe he's doing a great job, and I look forward to working with him to do what we've always done. He was an AUSA in the Southern District of New York, just like you, just like me. And I really don't believe I'll be put in that position. When you look at the components of the Criminal Division and what we do, these are nationwide impact cases for all Americans. Should I be tasked with evaluating a public corruption case like you're talking about, whatever that case may be, I can assure you I will do it how I've always done it, and that will be based on the facts and the law and the independent decisions of the Justice Department to make those charging decisions. And that's exactly how I'll operate, sir.

Senator SCHIFF. Well, Mr. Duva, I appreciate what I would describe as the triumph of hope over experience in your testimony. I hope your experience is commensurate with your hope, but I fear it will be otherwise.

And I yield back, Mr. Chairman.

Senator KENNEDY. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

Gentlemen, congratulations on your nominations.

Mr. Duva, you have been nominated to serve as the assistant attorney general for the Criminal Division. The Criminal Division sits at the heart of the Department of Justice's mission to protect the public. Your nomination comes at a moment where Americans

are looking for one simple thing, to keep our cities safe, to keep our families safe because over the last 5 years, we have watched a dangerous pattern take hold in American cities. From 2020 to 2025, so-called peaceful protests left behind more than $2 billion in property damage. Blue cities—Minneapolis, Portland, Seattle, Chicago, New York, St. Louis, Atlanta, and Los Angeles—in some instances, entire downtowns burned, police precincts overrun, and small businesses destroyed overnight. Nineteen people were killed directly during the Black Lives Matter riots and hundreds more died indirectly because ambulances couldn't get through and police were overwhelmed.

After the October 7, 2023, attack on Israel, anti-Semitic mobs took over college campuses, threatening Jewish students, seizing buildings, and spreading hate. And it didn't stop there. In 2025, coordinated riots once again engulfed Los Angeles and Portland before spreading across the country.

Mr. Duva, do you believe that these were spontaneous riots, or do you believe they were organized and financed?

Mr. DUVA. Thank you for the question, Senator Cruz. All of those incidents you talked about were a real dark mark on our history during that time. I watched it on TV. There is no place for rioting, burning buildings, assaulting law enforcement officers, and there did seem to be coordination behind those. I agree with you. In any case that comes across the Criminal Division, we will be evaluating that.

Again, I answered questions along that lines from Senator Britt, whether it's religious violence, violence against law enforcement officers, the Jewish community, or what have you. We will prosecute those cases to the fullest extent of the law and follow the facts where they lead. If they lead to coordinated attacks, financing, things of that nature, we will evaluate those cases through grand jury investigations and prosecute them appropriately.

Senator CRUZ. Excellent. Federal law right now criminalizes rioting under 18 USC Section 2101, the Anti-Riot Act, which makes it a Federal offense to travel or use interstate facilities to incite, organize, promote, or participate in a riot. The Biden Department of Justice refused to enforce that law. Will you commit under your leadership the Department of Justice will once again enforce Section 2101?

Mr. DUVA. Yes, Senator. I think the best way to do that is you partner with the U.S. Attorney's Offices in those areas. You mentioned Portland, Atlanta, some other cities, and that's exactly what I intend to do as the head of the Criminal Division, to have relationships with the U.S. attorneys in those areas to contact them, let them know we don't just want to operate on our own. You do that at times. The U.S. Attorneys' Offices do it at times, but it's best when you work together, and we will do that to prosecute that statute.

Senator CRUZ. Excellent. Unfortunately, enforcing the Anti-Riot Act is not enough to combat the 21st century leftist riots that have burned our cities. Like the mafia of old, today's agitators are part of a layered enterprise, the foot soldiers on the ground and the financiers and masterminds who plan and bankroll the operations. The Anti-Riot Act can reach the rioters in the street but has dif-

ficulty reaching the consiglieres and the dons who plan the chaos. That is why Congress created RICO, the Racketeer Influence and Corrupt Organizations Act, to pierce the veil of coordination and hold every level of a criminal network accountable. Mr. Duva, RICO was one of the most powerful tools ever enacted and helped break the back of organized crime in America. Do you agree that that same model would be helpful in fighting today's politically funded violence?

Mr. DUVA. I do, sir. You have to have evidence of the enterprise, and then you have to have the predicated crime set forth in the RICO statute and also its sister statute, the VICAR statute. Those are tools that I'm well familiar with from my time as an AUSA. They were used in our Tampa division, they've been used in our Jacksonville division, and they are appropriate to evaluate in those circumstances.

Senator CRUZ. Well, and that is precisely the logic behind legislation that I have introduced called the Stop FUNDERs Act. The Stop FUNDERs Act is simple. It adds rioting as a predicate offense under RICO, empowering the prosecutors to follow the money, to trace the network, and indict not just the rioter who throws the brick but the donor who paid for it and put that rioter in that position to carry out that act of violence. It would give DOJ the tools to dismantle the financial architecture of political violence.

In your judgment, would adding rioting to the list of predicate offenses under RICO aid in enabling the Department of Justice to fight and stop political violence and organized violence and rioting across the country?

Mr. DUVA. We will take all the tools we can get, Senator. I look forward to those discussions with the Office of Legislative Affairs and Legal Policy.

Senator CRUZ. Terrific, thank you very much.

[Poster is displayed.]

Senator KENNEDY. Justice Crain, we elect judges in Louisiana, do we not?

Judge CRAIN. We do.

Senator KENNEDY. And we have elected judges—our people have decided to elect judges for a long, long, long time, haven't they?

Judge CRAIN. As long as I can research, yes.

Senator KENNEDY. Are you responsible for that system of choosing judges?

Judge CRAIN. Not at all.

Senator KENNEDY. When you run for judge, can you solicit campaign contributions?

Judge CRAIN. You cannot.

Senator KENNEDY. You have run three times.

Judge CRAIN. I have.

Senator KENNEDY. Have you ever solicited a campaign contribution?

Judge CRAIN. I have not.

Senator KENNEDY. You have to go through a committee, do you not?

Judge CRAIN. That's correct.

Senator KENNEDY. Okay. Now, one of my colleagues, not Senator Welch, suggested that you live in the left front pocket of the oil and gas industry. Is that true?

Judge CRAIN. That is absolutely not true, Senator.

Senator KENNEDY. Do you live in anybody's left front pocket?

Judge CRAIN. The only pocket I live in is the rule of law, Senator, and I think that my record reflects that.

Senator KENNEDY. That has certainly been my experience. I just wanted to clear that up.

Judge CRAIN. Thank you, Senator.

Senator KENNEDY. Mr. Duva, you've heard the expression lawfare, have you not?

Mr. DUVA. Yes, sir.

Senator KENNEDY. What does that mean to you?

Mr. DUVA. Well, I think lawfare gets to the alleged weaponization of the Justice Department and things——

Senator KENNEDY. What does that mean?

Mr. DUVA. Well, it's a term that's been used quite a bit. I think it means that the Justice Department becomes the tool of a sitting President or the Congress or whoever to do its bidding and that only and not follow the law, not follow the facts as applied to the law. What we will do is not do that. We will do the converse of that.

Senator KENNEDY. Why is that dangerous?

Mr. DUVA. Because it leads to bias. It leads to improper prosecution. It leads to messes in courtrooms. There's a reason there's a Justice Manual. There's a reason that there is Rule 6(e) on the——

Senator KENNEDY. I don't want to talk about the manual. I want to talk about just basic human decency and common sense.

Mr. DUVA. It also erodes the faith of the justice system in our citizens. That is dangerous because it is based on those citizens where the end result—the citizens become jurors, and we need jurors to have confidence in the Justice Department and the prosecutions that it brings to fairly evaluate cases.

Senator KENNEDY. Let me put it this way. Our judicial branch doesn't have an army, does it?

Mr. DUVA. It does not.

Senator KENNEDY. Okay. Our judicial branch at the Federal and the State level depends on its legitimacy for enforcement. I mean, people have to believe that justice—even though they may disagree with the result, people have to believe in the integrity of the system, do they not?

Mr. DUVA. They do because as I mentioned with jurors, if they don't and they're selected on a jury, they're not going to follow the judge's instructions to evaluate the cases based on the facts and the law. So it depends on the citizens to help us with the end result. And if that's eroded on the front end, it's eroded on the back end.

Senator KENNEDY. All right. If I am a candidate for district attorney and I run for district attorney, saying if you elect me, people, I am going to prosecute Joe Blow, a well-known political figure. Is that lawfare?

Mr. DUVA. It is. That's inappropriate.

Senator KENNEDY. That undermines the integrity of the criminal justice system, doesn't it?

Mr. DUVA. Absolutely.

Senator KENNEDY. That suggests that justice isn't blind, doesn't it?

Mr. DUVA. It sure does.

Senator KENNEDY. Now, you know, nobody is blameless here. I remember when this nonsense started under President Biden, and I remember thinking they have unleashed spirits they cannot control. This has got to stop.

Now, I am a United States Senator. I am also on the Appropriations Committee. I even have influence over your budget, don't I?

Mr. DUVA. You do, sir.

Senator KENNEDY. And let's suppose I tweet out, I am really mad at Joe Blow, and I think the Justice Department ought to prosecute him. Do I have the right to do that under the First Amendment? I am not asking you whether it is wise. I am asking you whether I have the right.

Mr. DUVA. You do. You can tweet—as long as it's non-violent. You can tweet whatever thought you want.

Senator KENNEDY. You have the right to ignore me, don't you?

Mr. DUVA. Absolutely.

Senator KENNEDY. All right. Let me ask you about being a prosecutor. I have never been a prosecutor. As a prosecutor, you have a moral obligation to yourself and to the criminal justice system not to bring a criminal prosecution unless you think the defendant is guilty. Is that accurate?

Mr. DUVA. Yes. In the Justice Manual, you have to have the reasonable——

Senator KENNEDY. I don't care about the manual.

Mr. DUVA [continuing]. Probability of conviction.

Senator KENNEDY. I am talking about common human decency. Is that correct?

Mr. DUVA. Yes, you have to know you have it.

Senator KENNEDY. Is that a principle that you agree with?

Mr. DUVA. 100 percent.

Senator KENNEDY. Okay. And you not only have to believe that the defendant is guilty, you have to believe that you can prove it beyond a reasonable doubt, do you not?

Mr. DUVA. You do. You have to have the facts. Without the facts, you have nothing.

Senator KENNEDY. Okay. Is that a principle that you possess?

Mr. DUVA. I do, and that's how I've operated for 18 years.

Senator KENNEDY. Okay. And you also have to believe, do you not, that the prosecution is in the public interest? Is that correct?

Mr. DUVA. You do.

Senator KENNEDY. Okay. Now, if one of your superiors came to you—well, let me answer the question for you for how I would do it. If one of my superiors came to me and said, look, you got to prosecute this case, and I looked at it, and either I didn't believe that the defendant was guilty, or I didn't believe I could prove it beyond a reasonable doubt, or I thought it was not in the public interest because it would undermine the integrity of the criminal justice system, I would resign.

Mr. DUVA. You would decline the matter.

Senator KENNEDY. Sir?

Mr. DUVA. You would decline the matter, for sure.

Senator KENNEDY. Right. And if they told me—if my superior said, look, Kennedy, you know, what planet did you just parachute in from? You don't have a choice. I am your boss. I am telling you to do it. I would resign. How about you?

Mr. DUVA. I have no problem doing that. I would first just say, we're not doing this case, and here's all the reasons, and the discussion could go from there.

Senator KENNEDY. Okay. And if you were told to do it or quit, what would you do?

Mr. DUVA. I'd quit.

Senator KENNEDY. Okay. Would you ever advise a client not to follow a Federal court order?

Mr. DUVA. No, sir.

Senator KENNEDY. I appreciate that. I appreciate you not qualifying it. It is okay to disagree with a Federal judge ruling, isn't it?

Mr. DUVA. I often have.

Senator KENNEDY. Yep. It is okay to appeal it.

Mr. DUVA. Absolutely. We have an appellate section. It's one of the best sections in the Criminal Division.

Senator KENNEDY. Within the bounds of legal ethics, it is okay to criticize it, isn't it?

Mr. DUVA. Yes, internally.

Senator KENNEDY. But you got to follow it, don't you?

Mr. DUVA. You do, absolutely.

Senator KENNEDY. Because that is called the rule of law, isn't it?

Mr. DUVA. It is, and without that, you have anarchy and no confidence in the Justice Department.

Senator KENNEDY. I appreciate it, and I appreciate the frank answers.

Mr. DUVA. Thank you, sir.

Senator KENNEDY. All right, gentlemen, this hearing is concluded. I got to read this, folks. Thank you to the nominees for your testimony today. Written questions for the record may be submitted until October 29 at 5 p.m.

Justice Crain, how many times has Judge Crain, your dad, texted you during this hearing?

Judge CRAIN. Quite a number of texts and phone calls.

[Laughter.]

Senator KENNEDY. I served with Justice Crain's father, just one of the best judges I have ever seen.

Thank you for your patience today, and thanks to all the audience members for sitting through this.

This hearing is adjourned.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

William "Will" Jerrol Crain

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

United States District Judge for the Eastern District of Louisiana

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: Louisiana Supreme Court Building
400 Royal Street
Fourth Floor
New Orleans, Louisiana 70130

Residence: Mandeville, Louisiana

4. Birthplace: State year and place of birth.

1961; Bogalusa, Louisiana

5. Education Record: 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.

1983 – 1986, Louisiana State University Paul M. Hebert Law School, J.D.; 1986

1979 – 1983, Louisiana State University, B.A. in Accounting; 1983

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.

2019 – present
Supreme Court of Louisiana
400 Royal Street

Fourth Floor
New Orleans, Louisiana 70130
Associate Justice

2013 – 2019
Louisiana First Circuit Court of Appeal
1600 North Third Street
Baton Rouge, Louisiana 70802
Judge

2009 – 2012
22nd Judicial District Court
701 North Columbia Street
Covington, Louisiana 70433
Judge

1986 – 2008
Jones Fussell, LLP
1001 U.S. Hwy. 190 East Service Road
Covington, LA 70433
Partner (1990 – 2008)
Associate (1986 – 1989)

1980-1986
Senator Benjamin Burras "Sixty" Rayburn
Louisiana State Senate
Legislative Committee on the Budget
Aide to the Chairman

1985 – 1986
19th Judicial District Court
300 North Boulevard
Suite 3602
Baton Rouge, LA 70802
Part-Time Librarian

7. **Military Service and Draft:** 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 did not serve in the military. I registered for the selective service when I turned 18.

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.

Certificate of Appreciation, Police Jury Association of Louisiana, Inc. (February 2024)

Judge of the Year, Crimefighters, Inc. (July 2023)

Republican of the Year, Washington Parish Republican Party (2021)

LSU Board of Supervisors Paul M. Hebert Law School Scholarship (1983 – 1986)

Louisiana Boys State (1978)

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.

Supreme Court of Louisiana
- Executive Committee Chairman (2025 – present)
- Committee of Judicial Ethics (2021 – present)
- Technology Commission (2020 – 2025)
- Court Cost Committee, Chairman (2020 – present)
- Court Cost Committee, Vice-Chairman (2018 – 2019)

Louisiana Judicial College, Supreme Court of Louisiana
- President (2018)
- Board of Governors, Vice-Chairman (2019 – 2025)
- Board of Governors, Chairman (2025 – present)

Supreme Court of Louisiana Historical Society
- Member, Ex Officio (2019 – present)

Louisiana Judicial Council, Ex Officio Member (2019 – present)

First Circuit Judges Association (2018 – 2019)

Federalist Society (2001 – 2011; 2017 – 2020)

Louisiana District Judges Association (2009 – 2012)

24th JDC Bar Association (2020 – present)

21st JDC Bar Association (2013 – present)

22nd JDC Bar Association (1986 – present)
- President (1990)
- Vice-President (1989)

Slidell Bar Association (2009 – present)

Inaugural Class of Louisiana Judicial Leadership Institute (2011)

Washington Parish Bar Association (1986 – present)

Louisiana State Bar Association (1986 – present)

American Bar Association (1986 – 2003)

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.

Louisiana (1986)
There have been no lapses in membership.

Texas (1993 – 2013)
I voluntarily resigned when I began my service on the Louisiana First Circuit Court of Appeal.

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

United States Court of Appeal for the Fifth Circuit, 1994

United States District Court for the Eastern District of Louisiana, 1988

United States District Court for the Western District of Louisiana, 2002

Louisiana State Court, 1986

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.

I do not belong to any organizations other than those listed in response to Questions 9 and 10.

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I do not belong to any organizations other than those listed in response to Questions 9 and 10.

12. <u>Published Writings and Public Statements</u>:

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 copies of all published material to the Committee.

September 5, 2025, Statement of Gratitude, New Orleans, LA; available at https://www.lasc.org/Press_Release?p=2025-09

In 2019 I published several campaign advertisements and produced campaign materials while running for the Louisiana Supreme Court. Copies supplied. The following is a link to my campaign Facebook page: https://www.facebook.com/people/The-Committee-to-Elect-Appeals-Court-Judge-Will-Crain-for-Supreme-Court/100058219623936/.

June 10, 2008, *Covington Lawyer to run for state district judge – Republican intends to be on Oct. 4 ballot*, Times Picayune, New Orleans, Louisiana. Copy supplied.

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

I have not prepared or contributed in the preparation of any reports memoranda or policy statements on behalf of any bar association, committee, conference, or organization of which I was a member.

c. Supply 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.

January 18, 2024, Senate and Governmental Affairs Committee Hearing, Redistricting Session, 1:38:13. Video of my testimony to the committee is available at the Louisiana

State Senates website:
https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011824SG.

Letter to Hon. Jeffrey M. Landry, Attorney General and Governor-Elect, Hon. Phillip DeVillier, Representative and Speaker-Designate, Hon. Cameron Henry, Senator and President-Designate, and Hon. Elizabeth Murrill, Solicitor General and Attorney General-Elect, from members of the Louisiana Supreme Court (Dec. 27, 2023). Copy supplied.

April 20, 2023, House and Governmental Affairs Committee Hearing, 2:01:23. Video of my testimony to the committee is available at the Louisiana State House of Representatives website:
https://www.house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2023/apr/0420_23_HG.

April 4, 2023, Louisiana House Appropriations Committee Hearing, 1:20:00. Video of my testimony to the committee is available at the Louisiana State House of Representatives website:
https://www.house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2022/apr/0404_22_AP.

d. Supply 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.

September 19, 2025: Speaker, Professionalism, LAMMICO Defense Counsel Seminar," Louisiana Medical Mutual Insurance Company CLE, Baton Rouge, Louisiana. Notes supplied.

June 24, 2025: Speaker, "Young Men's Group American Legion," Louisiana Boys State, SLU Student Union Hall, Hammond, Louisiana. I spoke to several groups of attendees about leadership, perseverance, and ending with a quote from the Champions Creed, which is common for me. I have no notes, transcripts, or recordings. The address for Louisiana Boys State is the American Legion P.O. Box 3749, Baton Rouge, Louisiana 70821.

June 3, 2025: Speaker, "CLE: The Anatomy of the Disposition of a Felony Case: Docket Management," Louisiana Judicial College, Destin, Florida. Notes supplied.

June 2, 2025: Speaker, "CLE: Docket + Trial Management," Louisiana State Bar Summer School, New Orleans, Louisiana. Notes supplied.

April 23, 2025: Speaker, "Leadership Tangipahoa," Tangipahoa Parish, Amite, Louisiana. Speech supplied.

March 14, 2025: Speaker, "President's Luncheon," Louisiana Judicial College, Louisiana Association of Justice, Windsor Court, New Orleans. I addressed redistricting and current issues facing the Supreme Court. I have no notes, transcript or recording. The address for the Louisiana Judicial College is Room W126, LSU Law Center, 1 East Campus Drive, Baton Rouge, Louisiana 70803.

December 13, 2024: Speaker, "Supreme Court Updates 2024," 21st JDC Bar Association CLE, New Orleans, Louisiana. Notes supplied.

August 29, 2024: Speaker, "Effective And Efficient Criminal Practice CLE," 22nd JDC District Attorney's Office, Covington, Louisiana. The presentation addressed effective methods for a criminal practice. I have no notes, transcripts or recordings. The address for the 22nd JDC District Attorney's Office is 701 N. Columbia Street, Suite 200, Covington, Louisiana 70433.

May 20, 2024: Speaker, "Opening of Pro-Bono Project," Pro Bono Project, Covington, Louisiana. Handwritten notes supplied.

February 29, 2024: Speaker, "Ethics, Parish Attorneys Association, 100th Police Jury Association Annual Convention CLE," Police Jury Association, New Orleans, Louisiana. Notes supplied.

October 15, 2023: Speaker, "Louisiana State Bar Admissions Ceremony," Louisiana State Bar, Pontchartrain Center, Kenner, Louisiana. Speech supplied.

July 25, 2023: Speaker, "Judge of the Year Award," Crimefighters, Inc., Kenner, Louisiana. Speech supplied.

May 19, 2023: Speaker, "2023 CLE: Recent Louisiana Supreme Court Cases and Developments," 22nd JDC Bar Association, Covington, Louisiana, Notes supplied.

Sometime in 2023: Speaker, "Online Continuing Legal Education Presentation," Louisiana State Bar Association, Covington, Louisiana. Notes supplied.

November 14, 2022: Speaker, "Ethics 2022 - Recent Developments By The Judiciary CLE," Tulane Inn of Court, New Orleans, Louisiana. Notes supplied.

October 7, 2022: Speaker, "Ethics 2022, LABI's 2022 WC Seminar Recent Developments By The Judiciary," LABI, Baton Rouge, Louisiana. Notes supplied.

May 30, 2022: *Do no open 'til 2072: Time capsule planted at new Kentwood library*, The Daily Star, Hammond, Louisiana. Copy supplied

April 22, 2022: Speaker, "Lawyer Advertising," 22nd Bar Assoc. CLE, Mandeville, Louisiana. Notes supplied

March 11, 2022: Speaker, "Evidence and Procedure Seminar, Ethics in Attorney Advertising Rules," Louisiana Association of Justice, New Orleans, Louisiana. Notes supplied.

December 13, 2021: Speaker, "Cadet of the Year Award," St. Tammany Composite Squadron of the Civil Air Patrol, Mandeville, Louisiana. Speech supplied.

October 8, 2021: Speaker, "Ethics 2021: Recent Developments By The Judiciary," LABI, Baton Rouge, Louisiana. Notes supplied.

September 2021: Speaker, "Court Opening Ceremony," 22nd Judicial District Court, Covington, Louisiana. Speech supplied.

October 2, 2020: Speaker, "Louisiana Appellate Practice," Louisiana State Bar Association, I spoke about appellate practice and procedures. I have no notes, transcripts or recordings. The Address of the Louisiana State Bar Association is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

December 11, 2019: Speaker, "Investiture," Supreme Court of Louisiana, Mandeville, Louisiana. Speech supplied.

November 15, 2019: Speaker, "Recognition of Attorney John Gallaspy," Covington Bar Association Continuing Legal Education. Covington, Louisiana. Speech supplied.

June 2019: Speaker, "The Bread and Butter Of Appellate Practice: Judgments, Orders, Writs and Appeals," LSBA Summer School, Destin, Florida. Notes supplied.

March 23, 2019: Speaker, "Tribute to Ronald Reagan at the Lincoln/Reagan Dinner," St. Tammany Parish Republicans, Covington, Louisiana. Speech supplied.

January 24, 2019: Speaker, "New Judge Training: Decisional Delay The Law, Ethics, Rules and Practical Implications," Louisiana Judicial College, New Orleans, Louisiana. Notes supplied.

December 14, 2018: Speaker, "Application for Priority Consideration of Writs in Criminal Matters, 2018 Criminal Court Seminar," Louisiana Judicial College, New Orleans, Louisiana. Notes supplied.

December 7, 2018: Speaker, "Handling *En Banc* Cases, 21st JDC Bar Association's 7th Annual Study Break," 21st JDC Bar Association, 7th Annual Study Break, New Orleans, Louisiana. Notes supplied.

November 16, 2018: Speaker, "Handling *En Banc* Cases," 22nd JDC Bar Association's All Day CLE, Covington, Louisiana. Notes supplied.

October 2, 2018: Speaker, "Inter-Circuit Conflicts and Perspectives on Appellate Review, Fall Judges Conference," Fall Judges Conference, New Orleans, Louisiana. Notes supplied.

March 17, 2018: Speaker, "Tribute to Abraham Lincoln at the Lincoln/Reagan Dinner," St. Tammany Parish Republicans, Covington, Louisiana. Speech supplied.

December 8, 2017: Speaker, "Insights From The Appellate Bench," 21st JDC Bar Association Presents: 6th Annual Study Break, New Orleans, Louisiana. Notes supplied.

November 17, 2017: Speaker, "Insights From The Appellate Bench," 22nd JDC Bar Association's All Day CLE, Covington, Louisiana. Notes supplied.

September 28, 2017: Speaker, "Insights From The Appellate Bench," 21st Annual Family Law Seminar, Baton Rouge, Louisiana. Notes supplied.

March 31, 2017: Speaker, "Considerations For Appellate Practice," 22nd JDC Bar All Day CLE, Covington, Louisiana. Notes supplied.

February 22, 2017: Speaker, "Update from the Judiciary," American Federalist Society CLE, New Orleans, Louisiana. Notes supplied.

May 10, 2016: Speaker, "Legal Family Feud," Inns of Court, 22nd JDC", Lacombe, Louisiana. I have no notes, transcripts or recordings. The Inns of Court does not have a physical address.

December 11, 2015: Speaker, "The Art of Appellate Persuasion," The 21st Judicial District, Bar Association CLE, New Orleans, Louisiana. Notes supplied.

November 6, 2015: Speaker, "Ethics on Appeal," Louisiana State Bar Association, New Orleans, Louisiana. Notes supplied.

February 26, 2015: Speaker, "Finish Strong: Jury Charges and Jury Interrogatories, 2015 Evidence and Procedure Seminar," Louisiana Judicial College and the Louisiana Association for Justice, New Orleans, Louisiana. Notes supplied.

June 5, 2014: Speaker, "The Art of Managing Oral Argument A Perspective From The Bench." Louisiana State Bar Association, Madisonville, Louisiana. Notes supplied.

June 1, 2014: Speaker, "Come Together" Louisiana State Bar Association and the Louisiana Judicial College, Destin, Florida. I have no notes, transcripts or recordings. The address of the Louisiana State Bar Association is 601 St. Charles Avenue, New Orleans, Louisiana 70130.

July 9, 2013: Speaker, "Oral Advocacy: The Good, the Bad, and the Ugly," 22nd JDC Inn of Court, Mandeville, Louisiana. I have no notes, transcripts or recordings. The Inns of Court does not have a physical address.

March 25, 2013: Speaker, "Professionalism: Order In The Court," Baton Rouge, Louisiana. Notes supplied.

Sometime in 2013: Speaker, "Impact attending Bogalusa High School made on career," Bogalusa High School Honor Society, Bogalusa, Louisiana. Notes supplied.

May 6, 2012: *Tammany DA put the high in high school*, Times Picayune, New Orleans, Louisiana. Copy supplied

April 27, 2012: *Call us St. Slammany? No problem*, Times Picayune, New Orleans, Louisiana. Copy supplied.

December 14, 2011: Speaker, "Evidence And Persuasion At Trial, A View From The Bench." Jacmel Inn, Hammond, Louisiana. Notes supplied.

October 28, 2011: Speaker, "Professionalism For Judges and Lawyers, LSBA Voodoo Fest – Trials: No Tricks, Just Treats," Louisiana State Bar Association, New Orleans, Louisiana. Notes supplied.

August 19, 2011: Speaker, "LADC 2011 Sizzlin' Summer Seminar," Louisiana Association of Defense Counsel, New Orleans, Louisiana. I have no notes, transcripts or recordings. The address of the Louisiana Association of Defense Counsel is 8982 Darby Avenue, Baton Rouge, Louisiana 70806.

August 20, 2010: Speaker, "Evidence," 22nd JDC Bar Association, Covington, Louisiana. Notes supplied.

January 9, 2009: Speaker, "Investiture," 22nd JDC Investiture, Franklinton, Louisiana. Speech supplied.

January 9, 2009: Speaker, "Investiture," 22nd JDC Investiture, Covington, Louisiana. Speech supplied.

November 3, 2007: Speaker, "Highlights of the 22nd JDC," Mt. Hermon Ruritan Club, Clifton, Louisiana. Speech supplied.

October 19, 2007: Speaker, "Evidence at Trial", 22nd JDC Bar Assoc., Covington, Louisiana. Notes supplied.

August 4, 2005: Speaker, "Evidence at Trial", 22nd JDC Bar Assoc., Covington, Louisiana. Notes supplied.

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

Jillian Kramer, *Inside the 'dysfunctional' New Orleans court plagued by murder case delays: 'Like the Wild West'*, Nola.com. September 4, 2025. Copy supplied.

Will Crain Interview, AN17 Local News, June 1, 2025. Recording available at https://youtu.be/CbPH1Oj-DXo?si=G90QJnpfHWzWXK7s.

La. Supreme Court Judge Will Crain swears in Mayor Bill Borchert, Youtube, @MayorBillBorchert, January 20, 2025. Video available at https://www.youtube.com/shorts/XirTWV4kcDw.

Will Crain interview, AN17 Local News, January 4, 2025. Recording available at https://youtu.be/TbcTttLSspc?si=-OZgrnpR0dM2tH0L.

Andrea Gallo, *Louisiana judge suspended over rejected warrants in child abuse cases, ignored orders*, Nola.com, October 25, 2024. Copy supplied.

Julie O'Donoghue, *Louisiana Supreme Court calls lawmakers' use of delays 'egregious' but may not scrap it*, Louisiana Illuminator, September 6, 2024. Copy supplied.

Tyler Bridges, *A college president here, a Supreme Court justice there: Jeff Landry is making moves*, Nola.com, July 3, 2024. Copy supplied.

Will Crain Interview, AN17 Local News, June 29, 2024. Video available at https://www.instagram.com/reel/C8zP1iZsIPA/?utmsource=ig._

Justice William J. Crain, Momentous Decisions, LSU Law Magazine, Spring 2024. Copy supplied.

Irv Magri, *Louisiana Supreme Court Justice William J. Crain named Crimefighters, Inc. Judge of the Year*, crimefightersoflouisiana.com, April 13, 2024. Copy supplied.

Tyler Bridges, *Conservatives dominate list of delegates Jeff Landry names to constitutional convention*, Nola.com, April 12, 2024. Copy supplied.

Jennifer Tran, *LSU Law alumnus, Louisiana Supreme Court Justice William Crain honored by Crimefighters, Inc. with Judge of the Year Award*, LSU Law Alumnus, August 7, 2023. Copy supplied.

Press release, *Louisiana Supreme Court Justice William J. Crain Named Crimefighters, Inc. Judge of the Year*, Louisiana Supreme Court, August 4, 2023. Copy supplied.

Matt Bruce, *Supreme Court says man who spent 46 years in prison deserves wrongful conviction compensation*, Nola.com, May 5, 2023. Copy supplied.

John Simerman, *Louisiana Supreme Court debates who has power to change verdicts*, Nola.com, May 2, 2023. Copy supplied.

Tyler Bridges, *Pay dispute between Supreme Court justices puts lawmakers in difficult spot*, Nola.com, April 20, 2023. Copy supplied.

Bogalusa High School Alumni Justice and Judges inspire students, Judges in the Classroom, Students in the Courtroom, A Newsletter of the Judiciary of the State of Louisiana, Volume 3, Issue 1. 2023. Copy supplied.

Louisiana Supreme Court Justice William J. Crain Led a Virtual Visit with Students at Lucille Nesome Memorial School, Judges in the Classroom, Students in the Courtroom, A Newsletter of the Judiciary of the State of Louisiana, Volume 2, Issue 1, Law Day 2022. Copy supplied.

Scott L. Sternberg, *One on One with Louisiana Supreme Court Associate Justice William J. Crain*, Portraits & Perspectives: Louisiana Supreme Court Associate Justices, Louisiana Bar Journal, December 2021. Copy supplied.

John Simerman, *Crain, Liljeberg clash in heated showdown for Louisiana Supreme Court seat*, Nola.com, November 11, 2019. Copy supplied.

John Simerman, *Ad war heats up Louisiana's Supreme Court race with a week to go*, Nola.com, November 9, 2019. Copy supplied.

Barbara Doyle, *Will Crain: Experience Matters*, Sophisticated Woman, The Northshore's Best, August 1, 2019. Copy supplied

Hot Seat: Louisiana Supreme Court Justice District 1 Debate, Part 1, WDSU News, October 11, 2019. Video available at https://youtu.be/2hafCfjHrPU?si=yeXJe-fU1JexqCsU.

Chad Calder, *Will Crain announces candidacy for Louisiana Supreme Court*, The Advocate, July 2, 2019. Copy supplied.

Heather Nolan, *William Crain to be sworn in as appellate court judge Friday*, Nola.com, December 14, 2012. Copy supplied.

Robert Rhoden, *Like father like son: Judge William Crain moving up to appellate court*, Nola.com, August 21, 2012. Copy supplied.

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

22nd Judicial District Court
Judge
Elected position
Original general jurisdiction over criminal and civil cases in Washington and St. Tammany Parishes.

Louisiana Court of Appeal
First Circuit
Judge
Elected position
Appellate jurisdiction over criminal and civil cases from 16 parishes in the southeastern part of the state and supervisory jurisdiction over same Louisiana District Courts.

Louisiana Supreme Court
Associate Justice
Elected position
Appellate jurisdiction over the intermediate Courts of Appeal and general supervisory jurisdiction over all lower courts. Original jurisdiction in lawyer and judge disciplinary cases and exclusive appellate jurisdiction for cases where a law or ordinance is declared unconstitutional and in capital death penalty cases.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? 150

i. Of these cases, approximately what percent were:

jury trials: 50%
bench trials: 50%

ii. Of these cases, approximately what percent were:

civil proceedings: 50%
criminal proceedings: 50%

b. Provide citations for all opinions you have written, including concurrences and dissents:

In re Thibodeaux, 2025-00854 (La. 9/16/25), ___ So. 3d ___ (2025WL2650001 at *1), (Crain, J., dissenting).

Monroe Municipal Fire & Police Civil Serv. Bd. v. Brown, 24-00543 (La. 9/3/25), ___ So. 3d ___ (2025WL2525394)

State in Interest of D.D., 2024-00254 (La. 6/27/25), 413 So. 3d 319

State v. Chester, 2024-00207 (La. 6/27/25), 413 So. 3d 384, 389 (Crain, J., dissenting)

State v. Thomas, 2024-00267 (La. 6/27/25), 413 So. 3d 435, 449 (Crain, J., dissenting)

State v. Coutee, 2023-01549 (La. 6/27/25), 413 So. 3d 408, 427 (Crain, J., concurring)

McBride v. Old Republic Ins. Co., 2024-01519 (La. 6/27/25), 413 So.3d 452, 480 (Crain, J., dissenting)

In re Ward, 2025-00721 (La. 6/25/25), 412 So. 3d 220 (Crain, J., dissenting)

Solorzano-Robinson v. PV Holding Corp., 2025-00725 (La. 6/9/25), 411 So.3d 28 (Crain, J., agreeing in part, dissenting in part)

Ballard v. State, 2025-00450 (La. 6/3/25), 410 So. 3d 789, 790 (Crain, J., dissenting from denial of writ of certiorari)

State v. K.B., 24-00491 (La. 5/9/25), 408 So. 3d 938, 953 (Crain, J., dissenting)

Day v. Thompson, 24-00802 (La. 5/9/25), 408 So. 3d 911, 921 (Crain, J., concurring)

Wilmington Sav. Fund Soc'y, FSB v. B&W Enterprises, 2025-00059 (La. 4/29/25), 407 So. 3d 626 (Crain, J., concurring)

State v. Draughn, 25-00505 (La. 4/28/25), 408 So. 3d 192, 194 (Crain, J., dissenting)

In re Rose, 25-00390 (La. 4/23/25), 406 So. 3d 1163, 1164 (Crain, J., dissenting)

In re Med. Review Proceedings of Poree, 24-01590 (La. 4/23/25), 406 So. 3d 1159, 1161 (Crain, J., dissenting)

Louisiana Wetlands, LLC v. Energen Res. Corp., 2025-00043 (La. 4/15/25), 406 So. 3d 428 (Crain, J., dissenting from denial of writ of certiorari)

State v. Reed, 25-00423 (La. 4/11/25); 405 So.3d 560, 561 (Crain, J., dissenting)

State v. Draughn, 25-00424 (La. 4/11/25), 405 So.3d 562, 563 (Crain, J., dissenting)

Covington v. Clark Sand Co., Inc., 24-01531 (La. 4/8/25), 404 So. 3d 646, 648 (Crain, J., dissenting)

Fremin v. Boyd Racing, LLC, 24-00995 (La. 3/21/25), 403 So. 3d 546

Welch v. United Medical Healthwest-New Orleans L.L.C., 24-00899 (La. 3/21/25), 403 So. 3d 554

Thomas v. Housing Louisiana Now, L.L.C., 24-00631 (La. 3/21/25), 403 So. 3d 570 (Crain, J., dissenting)

State v. Diano, 24-00888 (La. 3/21/25), 403 So.3d 530, 538 (Crain, J., dissenting)

Campbell v. Orient-Express Hotels Louisiana, Inc., 24-00840 (La. 3/21/25), 403 So. 3d 573, 594 (Crain, J., concurring)

State v. Johnson, 24-01175 (La. 3/18/25), 402 So. 3d 1206, 1207 (Crain, J., concurring)

State v. Taylor, 24-00907 (La. 3/18/25), 402 So.3d 1204, 1205 (Crain, J., concurring)

In re Barzare, 24-1407 (La. 2/28/25), 401 So.3d 1261 (Crain, J., dissenting)

State v. Toney, 24-01368 (La. 2/19/25), 400 So.3d 910, 911 (Crain, J., concurring)

Huntsman Int'l, L.L.C. v. Praxair, Inc., 24-00627 (La. 2/6/25), 400 So.3d 882, *reh'g denied*, 2024-00627 (La. 3/20/25), 403 So.3d 598

State v. Bartie, 2024-00897 (La. 2/6/25), 400 So.3d 896, 907 (Crain, J., dissenting)

Pinnacle Constr. Grp., L.L.C. v. Devere Swepco JV, L.L.C., 24-00406 (La. 2/6/25), 400 So. 3d 878, 881 (Crain, J., concurring)

LeBlanc v. Walmart Stores, Inc., 24-01212 (La. 2/5/25), 400 So.3d 96 (Crain, J., dissenting)

State v. Craighead, 24-01219 (La. 2/5/25), 400 So.3d 99, 102 (Crain, J., dissenting)

Barber Bros. Contracting Co., LLC v. Capitol City Produce Co., LLC, 23-00788 (La. 12/19/24), 397 So.3d 404, 423 (Crain, J., dissenting)

Succession of Frabbiele, 24-00091 (La. 12/13/24), 397 So.3d 391, 400 (Crain, J., dissenting)

State v. Hawthorne, 24-01233 (La. 11/27/24), 396 So.3d 250 (Crain, J., concurring)

In re Fiffie, 24-00976 (La. 10/25/24), 395 So.3d 738

State v. Mangrum, 23-01609 (La. 10/25/24), 395 So.3d 765, 771 (Crain, J., dissenting)

Howe v. Gafford, 23-01649 (La. 10/25/24), 395 So.3d 844, 850 (Crain, J., concurring)

Bd. of Supervisors of Louisiana State Univ. & Agric. & Mech. Coll. v. Bickham, 23-01364 (La. 10/25/24), 395 So.3d 792, 806 (Crain, J., concurring)

Collins v. Chambers, 24-01005 (La. 8/20/24), 390 So.3d 1282, 1288 (Crain, J. concurring)

Pickard v. Amazon.com, Inc., 23-01596 (La. 6/28/24), 387 So.3d 515

People for the Ethical Treatment of Animals v. Bd. of Supervisors of Louisiana State Univ., 23-01396 (La. 6/28/24), 387 So.3d 527, 545 (Crain, J., dissenting)

In re Hjortsberg, 24-00149 (La. 6/28/24), 388 So.3d 382, 393 (Crain, J., dissenting)

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Nicholas v. Bonnie, 2023-01250 (La. 5/31/24), 385 So.3d 1130

Ramelli Janitorial Serv., Inc. v. IV Waste, L.L.C., 24-00497 (La. 5/29/24), 385 So.3d 691 (Crain, J., dissenting)

Sanders v. Hackbarth Delivery Serv., Inc., 24-00524 (La. 5/17/24), 384 So.3d 886, 887 (Crain, J., concurring)

State v. Mouton, 2023-00723 (La. 5/10/24), 384 So.3d 845, 851 (Crain, J., dissenting)

Evans v. Abubaker, Inc., 2023-00955 (La. 5/10/24), 384 So.3d 853, 863 (Crain, J., concurring)

Broome v. Rials, 2023-01108 (La. 4/26/24), 383 So.3d 578

Shaffette v. City of Slidell, 2024-00065 (La. 4/3/24), 382 So.3d 84 (Crain, J., dissenting)

Bienvenu v. Defendant 1, 2023-01194 (La. 3/22/24), 382 So.3d 38 (Crain, J., dissenting), *reh'g granted,* 2023-01194 (La. 5/10/24), 384 So.3d 885, and *opinion vacated on reh'g,* 2023-01194 (La. 6/12/24) 386 So.3d 280

State v. Kent, 2023-00008 (La. 3/22/24), 382 So.3d 69 (Crain, J., concurring)

In re Walsh, 2024-00026 (La. 3/5/24), 379 So.3d 1251, 1255 (Crain, J., concurring)

State ex rel. Robinson v. Vannoy, 2021-00812 (La. 1/26/24), 378 So.3d 11 (Crain, J., dissenting), *reh'g granted,* 2021-00812 (La. 3/21/24) 382 So.3d 27, and *opinion vacated and superseded on reh'g,* 2021-00812 (La. 12/13/24) 397 So.3d 333, *reh'g granted,* 2021-00812 (La. 3/20/25) 403 So.3d 530, and *aff'd on reh'g,* 2021-00812 (La. 6/27/25) 413 So.3d 403, *reh'g denied,* 2021-00812 (La. 9/4/25)

Kling v. Hebert, 2023-00257 (La. 1/26/24), 378 So.3d 54 (Crain, J., concurring)

In re Bernard, 2023-01134 (La. 1/10/24), 375 So.3d 959, 960 (Crain, J., dissenting)

Sims v. Office of Employment Sec., 2023-01438 (La. 1/10/24), 376 So.3d 836 (Crain, J., concurring)

In re Dantzler, 2023-00966 (La. 12/5/23), 373 So.3d 696, 700 (Crain, J., dissenting)

In re Band, 2023-00284 (La. 11/17/23), 374 So.3d 118, 125 (Crain, J., dissenting), *reh'g denied,* 2023-00284 (La. 1/25/24), 378 So.3d 70, and *reinstatement granted,* 2023-00284 (La. 5/7/24) 384 So.3d 344

In re Neal, 2023-00344 (La. 11/1/23), 374 So.3d 125, 135 (Crain, J., dissenting)

Caldwell v. City of Shreveport, 2023-00182, p. 3 (La. 11/17/23), 374 So.3d 112, 118 (Crain, J., concurring)

Goff v. Yue, 2023-00121 (La. 10/20/23), 379 So.3d 651, 652 (Crain, J., dissenting)

Cartesian Co., Inc. v. Div. of Admin. Law Ethics Adjudicatory Bd. Panel A, 2023-00398 (La. 10/20/23), 371 So.3d 1041, 1064 (Crain, J., concurring in part, dissenting in part)

In re Canaday, 2023-00735 (La. 10/1/23), 372 So.3d 328

Menard v. Targa Res., L.L.C., 2023-00246 (La. 6/27/23), 366 So.3d 1238

Wederstrandt v. Kol, 22-01570 (La. 6/27/23), 366 So.3d 47 (Crain, J., dissenting)

In re Manning, 23-00616 (La. 6/21/23), 362 So.3d 414, 415 (Crain, J., concurring)

State v. Honore, 2023-00637 (La. 6/7/23), 361 So.3d 960, 962 (Crain, J., concurring)

Jones v. State, 2022-01455 (La. 5/5/23), 362 So.3d 341, 346 (Crain, J., dissenting)

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In re Roe, 2022-1803 (La. 5/1/23), 362 So.3d 381, 392 (Crain, J., concurring)

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State v. Thompson, 2022-01391 (La. 5/2/23), 359 So.3d 1273, 1278 (Crain, J., dissenting)

In re Thomas, 2023-00136 (La. 4/25/23), 359 So.3d 952, 955 (Crain, J., dissenting)

Cajun Conti LLC v. Certain Underwriters at Lloyd's, London, 2022-01349 (La. 3/17/23), 359 So.3d 922

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In re Bruzik, 2022-01576 (La. 2/7/23), 354 So.3d 645, 656 (Crain, J., dissenting)

Spencer v. Valero Ref. Meraux, L.L.C., 2022-00469, p. 20 (La. 1/27/23), 356 So.3d 936, 955 (Crain, J., concurring)

In re Labadie, 2022-01552 (La. 1/18/23), 352 So.3d 967, 972 (Crain, J., dissenting)

Saloom v. Dep't of Transp. & Dev., 2022-00596 (La. 12/9/22), 354 So.3d 1179

Berkley Assurance Co. v. Willis, 2021-01554, p. 4 (La. 12/9/22), 355 So.3d 591, 599 (Crain, J., dissenting)

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George v. Progressive Waste Sols. of La, Inc., 2022-010680 (La. 12/9/22), 355 So.3d 583, 590 (Crain, J., concurring)

Ducote v. Magette, 2022-01649 (La. 11/10/22), 349 So.3d 984 (Crain, J., dissenting)

State v. Allen, 2022-00508 (La. 11/1/22), 348 So.3d 1274, 1277 (Crain, J., dissenting)

In re Day, 2022-00886 (La. 10/21/22), 352 So.3d 50

Wightman v. Ameritas Life Ins. Corp., 2022-003641 (La. 10/21/22), 351 So.3d 690, 698 (Crain, J., dissenting)

In re Claiborne, 2022-0492 (La. 10/21/22), 351 So.3d 684, 690 (Crain, J., dissenting)

State ex rel. Tureau v. BEPCO, L.P., 2021-0856 (La. 10/21/22), 351 So.3d 297 (Crain, J., dissenting)

In re Panagoulopoulos, 2022-0612 (La. 10/21/22), 352 So.3d 68 (Crain, J., dissenting)

Wightman v. Ameritas Life Ins. Corp., 2022-00364 (La. 10/21/22), 351 So.3d 690, 698 (Crain, J., dissenting)

June Medical Servs., LLC v. Landry, 22-01038 (La. 7/6/22), 341 So. 3d 538 (Crain, J., dissenting from denial of supervisory writ)

Martin v. Thomas, 2021-014904 (La. 6/29/22), 346 So.3d 238, 249 (Crain, J., concurring)

Havard v. Jeanlouis, 2021-00810 (La. 6/29/22), 345 So.3d 1005, 1011 (Crain, J., dissenting)

State v. Louisiana Land & Expl. Co., 2020-00685 (La. 6/1/22), 339 So.3d 1163, 1177 (Crain, J., dissenting)

Boudoin v. Safeco Ins. Co. of Oregon, 2022-00402 (La. 6/1/22), 338 So.3d 485, 486 (Crain, J., dissenting)

Runkle v. Louisiana Urology, LLC, 2022-00514, p. 2 (La. 6/1/22), 338 So.3d 483, 485 (Crain, J., dissenting)

State v. Spell, 2021-00876 (La. 5/13/22), 339 So.3d 1125

State in Interest of Panagoulopoulos, 2022-00559 (La. 5/3/22), 337 So.3d 150 (Crain, J., dissenting)

State v. Watson, 2022-00719 (La. 5/1/22), 338 So.3d 1169, 1170 (Crain, J., dissenting)

Doe v. McKesson, 2021-009295 (La. 3/25/22); 339 So.3d 524, 540 (Crain, J., concurring)

Kendrick v. Estate of Barre, 2021-00993 (La. 3/25/22), 339 So.3d 615

Cox, Cox, Filo, Camel & Wilson, LLC v. Louisiana Workers' Comp. Corp., 2021-00566 (La. 3/25/22), 338 So.3d 1148, 1159 (Crain, J., dissenting)

In re Matthews, 2021-01078 (La. 1/28/22), 333 So.3d 422, 429 (Crain, J., dissenting)

In re Linscomb, 2021-00877 (La. 10/19/21), 326 So.3d 229, 230 (Crain, J., concurring)

State v. Aguliar-Benitez, 2021-00174 (La. 10/10/21), 332 So.3d 618, 623 (Crain, J., concurring)

Auricchio v. Harriston, 2020-01167 (La. 10/10/21), 332 So.3d 660

Kinnett v. Kinnett, 2020-01134 (La. 10/10/21), 332 So.3d 1149

Fairbanks Dev., LLC v. Johnson, 2020-01031 (La. 9/30/21), 330 So.3d 183

State v. Johnson, 2020-00743 (La. 9/30/21), 330 So.3d 295, 303 (Crain, J., concurring)

Bergeron v. Richardson, 2020-01409 (La. 6/30/21), 320 So.3d 1109

Baack v. McIntosh, 2020-01054 (La. 6/30/21), 333 So.3d 1206, 1218 (Crain, J., dissenting)

State v. Louisiana Land & Expl. Co., 2020-00685 (La. 6/30/21), 347 So.3d 684, 695 (Crain, J., dissenting), *aff'd on reh'g,* 2020-00685 (La. 6/1/22), 339 So.3d 1163 (Crain, J., dissenting)

State v. Burton, 2019-01079 (La. 6/30/21), 320 So.3d 1117, 1124 (Crain, J., concurring in part, dissenting in part)

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Bayou Bridge Pipeline, LLC v. 38.00 Acres, More or Less, Located in St. Martin Par., 2020-01017 (La. 5/13/21), 320 So.3d 1054, 1063 (Crain, J., concurring in part, dissenting in part)

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Bagneris v. Royster, 2021-00238 (La. 4/13/21), 313 So.3d 1223 (Crain, J. concurring)

Melerine v. Tom's Marine & Salvage, LLC, 2020-00571 (La. 3/24/21), 315 So.3d 806

Vance v. Int'l House of Pancakes, LLC, 2020-01373 (La. 2/17/21), 310 So.3d 550 (Crain, J., concurring)

In re Hardee, 2020-00747 (La. 1/27/21), 315 So.3d 801

Washington v. State, 2019-01792 (La. 1/27/21), 315 So.3d 198, 201 (Crain, J., concurring)

State v. Jarvis, 2020-00877 (La. 1/12/21), 308 So.3d 290, 292 (Crain, J., concurring)

Zinn v. Zagis, USA, LLC, 2020-00971 (La. 12/22/20), 307 So.3d 193, 195 (Crain, J., concurring)

In re Pullins-Gorham, 2020-0692 (La. 12/11/20), 315 So.3d 187, 192 (Crain, J., dissenting)

Hankton v. State, 2020-00462 (La. 12/1/20), 315 So. 3d 1278, 1291 (Crain, J., dissenting)

State v. Robinson, 2019-01330 (La. 11/24/20), 304 So.3d 846, 847 (Crain, J., dissenting)

Ewing v. Westport Ins. Corp., 2020-00339 (La. 11/19/20), 315 So.3d 175, 184 (Crain, J., dissenting) (*overturned due to legislative action*)

D90 Energy, LLC v. Jefferson Davis Par. Bd. of Review, 2020-00200 (La. 10/1/20), 341 So.3d 492

State v. Peel, 2020-00107 (La. 10/20/20), 303 So.3d 298, 299 (Crain, J., concurring)

State v. Hill, 2020-0323 (La. 10/20/20), 341 So.3d 539, 557 (Crain, J., dissenting)

Tassin v. State Farm Mut. Auto. Ins. Co., 2020-00652 (La. 10/14/20), 302 So.3d 1098, 1099 (Crain, J., dissenting)

State v. Jelks, 2020-00674 (La. 10/14/20), 302 So.3d 1107 (Crain, J., concurring)

State v. Coleman, 2020-00270 (La. 10/14/20), 302 So.3d 1105, 1106 (Crain, J., concurring)

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DePhillips v. Hosp. Serv. Dist. No. 1 of Tangipahoa Par., 2019-01496 (La. 7/9/20), 340 So.3d 817, 828 (Crain, J., concurring)

Williams v. City of Baton Rouge, 2020-0225 (La. 5/7/20), 296 So.3d 593, 594 (Crain, J., concurring)

State v. Shisler, 2020-00145 (La. 5/1/20), 295 So.3d 926, 928 (Crain, J., dissenting)

Donelon v. Shilling, 2019-00514 (La. 4/27/20), 340 So.3d 786

Kirt v. Metzinger, 2019-1162 (La. 4/3/20), 341 So.3d 1211

In re Breeden, 2020-0315 (La. 4/27/20), 295 So.3d 391, 392 (Crain, J., concurring)

Stevenson v. Progressive Sec. Ins. Co., 2019-00637 (La. 4/3/20), 341 So.3d 1202, 1210 (Crain, J., dissenting)

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State v. Dantin, 2019-0407 (La. App. 1 Cir. 12/17/19), 291 So.3d 1096

Arcement v. Blue Bayou Waterpark, LLC, 2019-1374 (La. App. 1 Cir. 12/9/19), 2019WL6717627 (Crain, J., dissenting)

Culasso v. Doctor's Hosp. of Slidell, LLC, 2019-1048 (La. App. 1 Cir. 12/9/19), 2019WL6699918 (Crain, J., dissenting)

State v. Houston, 2019-0615 (La. App. 1 Cir. 11/15/19), 291 So.3d 223, 228 (Crain, J., dissenting)

Rouse v. K & F Rest. Holdings, Ltd., 2019-0586 (La. App. 1 Cir. 11/12/19), 2019WL5995862 (Crain, J., dissenting)

Thomassie v. Jagneaux, 2019-0806 (La. App. 1 Cir. 11/12/19), 2019WL5895444 (Crain, J., dissenting)

State v. Moser, 2019-0277, p. 2 (La. App. 1 Cir. 9/27/19)

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-1215, p. 2 (La. App. 1 Cir. 9/27/19)

State v. Moore, 2019-0069 (La. App. 1 Cir. 9/27/19), 288 So.3d 219

Bruce v. M&A Safety Servs., L.L.C., 2019-0778 (La. App. 1 Cir. 9/25/19), 2019WL4678269 (Crain, J., dissenting)

Spivey v. Hornbeck Offshore Operators, LLC, 2019-0703 (La. App. 1 Cir. 9/25/19), 2019WL4678264 (Crain, J., concurring)

Porter v. People Magazine Time, Inc., 2019-1134, p. 2 (La. App. 1 Cir. 9/23/19), 2019WL4643753, *writ denied,* 2019-01860 (La. 1/22/20), 291 So.3d 1045 (Crain J., dissenting)

Jack v. Successions of Albert, 2018-1240, p. 2 (La. App. 1 Cir. 9/4/19), 286 So.3d 432, 439 (Crain, J., concurring)

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-0907 (La. App. 1 Cir. 8/29/19), 282 So.3d 256

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-0421, p. 2 (La. App. 1 Cir. 8/5/19)

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-0842 (La. App. 1 Cir. 8/5/19)

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-0068 (La. App. 1 Cir. 7/11/19)

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-1098 (La. App. 1 Cir. 7/11/19), 281 So.3d 9

Grant-Walker v. Gen. Ins. Co. of Am., 2018-0094 (La. App. 1 Cir. 7/3/19), 2019WL3561808 (Crain, J., dissenting)

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Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-0549 (La. App. 1 Cir. 7/1/19)

Florida Gas Transmission Co., LLC v. Texas Brine Co., LLC, 2018-0075 (La. App. 1 Cir. 7/1/19), 285 So.3d 1093

Pembo v. Pembo, 2017-1153 (La. App. 1 Cir. 6/28/19), 280 So.3d 656

Mercadel v. State Through Dep't of Pub. Safety & Corr., 2018-0415 (La. App. 1 Cir. 5/15/19), 2019WL2234404 (Crain, J. dissenting)

State v. Galan, 2018-1481 (La. App. 1 Cir. 5/14/19), 277 So.3d 365

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State v. Maggio, 2012-1701 (La. App. 1 Cir. 4/26/13), 2013WL1791047

Discover Bank v. Ruffin, 2012-1672 (La. App. 1 Cir. 4/26/13), 2013WL1791006

State v. Petitto, 2012-1670 (La. App. 1 Cir. 4/26/13), 116 So.3d 761

Edwards v. Louisiana Farm Bureau Mut. Ins. Co., 2012-1495 (La. App. 1 Cir. 4/26/13), 2013WL1790996

Ramer v. Evangeline Maid Bakery, 2012-1583 (La. App. 1 Cir. 4/26/13), 120 So.3d 291, 293, (Crain, J., concurring)

State v. Roberts, 2012-1555 (La. App. 1 Cir. 4/26/13), 116 So.3d 754, 760 (Crain, J., concurring)

Southgate Penthouses, LLC v. Mapp Const., 2012-1242 (La. App. 1 Cir. 4/26/13), 2013WL1790994 (Crain, J., concurring)

State v. England, 2013-0119 (La. App. 1 Cir. 4/10/13), 2013WL12123969 (Crain, J., dissenting)

State v. Pierre, 2013-0150 (La. App. 1 Cir. 4/5/13), 2013WL12124006 (Crain, J., dissenting), *writ granted,* 2013-0873 (La. 5/31/13), 118 So.3d 383, and *vacated,* 2013-0873 (La. 10/15/13), 125 So.3d 403

State v. Odom, 2012-1163 (La. App. 1 Cir. 3/22/13), 2013WL1189404 (Crain, J., dissenting)

Anderson v. Haymer, 2012-1214 (La. App. 1 Cir. 3/22/13), 2013WL1189249

State v. Brown, 2012-1533 (La. App. 1 Cir. 3/22/13), 2013WL1189458

Ortis v. Louisiana Citizens Prop. Ins. Corp., 2012-1428 (La. App. 1 Cir. 3/22/13), 2013WL1189357

State v. Clark, 2012-1215 (La. App. 1 Cir. 3/22/13), 2013WL1189429

Dawson v. Harmony, L.L.C., 2012-1580 (La. App. 1 Cir. 3/22/13), 2013WL1189381

State v. Craig, 2012-1262 (La. App. 1 Cir. 3/22/13), 2013WL1189433

Williams v. Ferry Holding, LLC, 2012-1074 (La. App. 1 Cir. 2/15/13), 2013WL594266

Couvillion v. Darby Dental Supply, LLC, 2012-0908 (La. App. 1 Cir. 2/15/13), 2013WL596112

Dep't of Pub. Safety & Corrections: In re Forlander v. Proceedings Under La. Admin. Procedure Act, 2012-0966 (La. App. 1 Cir. 2/15/13), 2013WL635272

State v. Johnson, 2012-1062 (La. App. 1 Cir. 2/15/13), 2013WL596305

Westgate, LLC v. Eaton Corp., 2012-1098 (La. App. 1 Cir. 2/15/13), 113 So.3d 238

Williams v. Ferry Holding, LLC, 2012-1073 (La. App. 1 Cir. 2/15/13), 2013WL596145

State v. Pennington, 2012-0804 (La. App. 1 Cir. 2/15/13), 2013WL596151

State v. Hollingsworth, 2012-1035 (La. App. 1 Cir. 2/15/13), 2013WL595926 (Crain, J., dissenting)

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *State in Interest of D.D.*, (La. 6/27/25), 413 So. 3d 319

State sex-offender registration requirement applicable to juvenile did not violate Eighth

Amendment's prohibition against cruel and unusual punishment nor implicate Sixth Amendment right to trial by jury.

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2. *Bienvenu v. Defendant 1*, (La. 6/12/24) 386 So.3d 280

Dissenting from the original opinion, I found the legislation granting sex abuse victims a window to file suit for otherwise prescribed claims did not violate Due Process Clause. The original opinion granted a "vested right" under Louisiana law greater protection than a fundamental right under federal constitutional law. I concluded this was wrong and reflected an incomplete analysis. On rehearing, my view was adopted by the majority opinion. *See Bienvenu v. Defendant 1*, 2023-01194 (La. 3/22/24), 382 So.3d 38, 58 (Crain, J., dissenting), *reh'g granted,* 2023-01194 (La. 5/10/24), 384 So.3d 885, and *opinion vacated on reh'g,* 2023-01194 (La. 6/12/24) 386 So.3d 280.

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Counsel for Defendant:
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3. *Broome v. Rials*, 2023-01108 (La. 4/26/24), 383 So.3d 578

Incorporation of City of St. George in East Baton Rouge Parish followed proper procedures, was approved by voters, and valid. Both the trial court and intermediate appeals court denied incorporation.

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4. *June Medical Services, LLC v. Landry*, (La. 7/6/22), 341 So. 3d 538

In this case, I dissented from denial of supervisory writ. At issue was the execution of a "trigger" statute that outlawed abortion in Louisiana. The lower courts had implemented injunctions preventing the execution of that statute, thus allowing the abortion clinics to continue to operate. The writ application sought review of the temporary restraining order that prevented the statutes from going into effect. The Supreme Court denied the writ. I dissented and wrote separately and would have granted review under our court's plenary power.

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5. *State v. Spell*, (La. 5/13/22), 339 So.3d 1125

Governor's executive orders issued in response to COVID pandemic violated defendant's

First Amendment right of Freedom of Religion. Defendant minister was arrested during a religious service at his church that violated stay-at-home executive orders prohibiting 10 or more people from being in a single space. My opinion found the executive orders, which excluded a multitude of secular activities but applied to religious services, did not survive strict scrutiny under the First Amendment.

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6. *Crowe v. Pearl River Polymers*, 99-14413 Div. G, 22nd Judicial District Court

In this mass tort action, plaintiffs alleged personal injuries from two chemical emissions. The case had been pending ten years when I inherited it in June 2009. I presided over the trial of seventeen bellwether plaintiffs and awarded damages to ten of the bellwether plaintiffs in amounts from $250 to $26,403. I awarded no damages to seven of the plaintiffs. My judgment and written reasons are submitted herewith. The Court of Appeal made minor adjustments to my damage awards but otherwise affirmed my judgment. *See Crowe v. Pearl River Polymers, Inc.*, 2012-1323 (La. App. 1 Cir. 12/30/14), 2014WL7454995. Counsel with significant roles in the litigation:

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7. *State v. Austin*, Docket No. 09CR8 102299, Div. G, 22nd Judicial District Court, Washington Parish, Louisiana.

Defendant was charged with aggravated rape of two seven-year-old victims. A jury found him guilty as charged, and I sentenced defendant to consecutive life sentences at hard labor without benefit of parole, probation, or suspension of sentence. The convictions and sentences were affirmed on appeal. *See State v. Austin*, 2012-1612 (La. App. 1 Cir. 4/26/13), 2013WL1792651. Trial court minute entry supplied.

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8. *State v. Jenkins*, Docket No. 483740, Div. G, 22nd Judicial District Court, St. Tammany Parish, Louisiana.

Defendant was charged with armed robbery and found guilty by a jury. I sentenced defendant as a habitual offender to ninety-nine years at hard labor, without the benefit of probation, parole, or suspension of sentence. The convictions and sentences were affirmed on appeal. *See State v. Jenkins*, 2011-0203 (La. App. 1 Cir. 6/17/11) 2011WL2448235, *writ denied,* 2011-1588 (La. 1/13/12), 77 So.3d 952. Trial court minute entry supplied.

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Counsel for Defendant:
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9. *State v. Williams*, Docket No. 456515, Div. G, 22nd Judicial District Court, St. Tammany Parish, Louisiana.

Defendant was charged with second degree murder for beating to death a 64 year-old woman in her home. The jury convicted defendant as charged, and I sentenced him to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. The conviction and sentence were affirmed on appeal. *See State v. Williams*, 2010-1392 (La. App. 1 Cir. 2/11/11), 2011WL2178767. Trial court minute entry supplied.

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10. *State v. Swafford*, Docket No. 432816, Div. G, 22nd Judicial District Court, St. Tammany Parish, Louisiana.

Defendant was charged with first degree murder in the beating death and robbery of a business associate. A jury convicted defendant as charged. The state did not pursue the death penalty. I sentenced the defendant to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. The conviction and sentence were affirmed on appeal. *See State v. Swafford*, 10-1791 (La. App. 1 Cir. 5/6/11), 2011WL2616849. Trial court minute entry supplied.

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d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *In re Fiffie*, 2024-00976 (La. 10/25/24), 395 So.3d 738

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2. *Broome v. Rials*, 2023-01108 (La. 4/26/24), 383 So.3d 578

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3. *Cajun Conti LLC v. Certain Underwriters at Lloyd's, London*, 2022-01349 (La. 3/17/23), 359 So.3d 922

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4. *Doe v. McKesson*, 2021-0929 (La. 3/25/22), 339 So.3d 524, 540 (Crain, J., concurring)

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5. *Wederstrandt v. Kol*, 2022-01570 (La. 6/27/23), 366 So.3d 47 (Crain, J., dissenting)

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6. *Order Re: Louisiana Bar Exam*, (La. 7/22/20) (Crain, J., dissenting) (unpublished, copy submitted). This was a unilateral administrative action by the court with no parties or attorneys involved. The action, and my dissent, were widely publicized across the State of Louisiana.

7. *Jones v. State*, 2022-01455 (La. 5/5/23), 362 So.3d 341, 346 (Crain, J., dissenting)

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8. *State ex rel. Robinson v. Vannoy*, 2021-00812 (La. 1/26/24), 378 So.3d 11, 50 (Crain, J., dissenting), *reh'g granted,* 2021-00812 (La. 3/21/24) 382 So.3d 27, and *opinion vacated and superseded on reh'g,* 2021-00812 (La. 12/13/24) 397 So.3d 333, *reh'g granted,* 2021-00812 (La. 3/20/25) 403 So.3d 530, and *aff'd on reh'g,* 2021-00812 (La. 6/27/25) 413 So.3d 403, *reh'g denied,* 2021-00812 (La. 9/4/25)

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9. *State ex rel. Tureau v. BEPCO, L.P.*, 2021-0856 (La. 10/21/22), 351 So.3d 297 (Crain, J., dissenting)

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10. *State v. Watson*, 2022-00719 (La. 5/1/22), 338 So.3d 1169, 1170 (Crain, J., dissenting)

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e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, I have no cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Wilson, 2015-1794 (La. App. 1 Cir. 4/26/17), 220 So.3d 35, *writ granted,* 2017-0908 (La. 3/23/18), 247 So.3d 113, and *rev'd and remanded,* 2017-0908 (La. 12/5/18), 319 So.3d 262, and *writ denied,* 2017-1025 (La. 2/18/19), 265 So.3d 770. I authored the Court of Appeal opinion that affirmed defendant's convictions on two counts of second degree murder. I found no error in a trial court's evidentiary ruling excluding statements under the hearsay rule. The Louisiana Supreme Court concluded that ruling was erroneous, reversed the convictions, and remanded for a new trial.

State v. Moultrie, 2014-1535 (La. App. 1 Cir. 10/23/15), 182 So.3d 1017, *writ granted,* 2015-2144 (La. 1/13/17), 215 So.3d 245, and *rev'd,* 2015-2144 (La. 6/29/17), 224 So.3d 349. I authored the Court of Appeal opinion that reversed a conviction for drug offenses,

finding certain evidence was unconstitutionally seized. The Louisiana Supreme Court found the evidence was properly seized and reinstated the conviction.

State v. Wright, Docket No. 440135 Div G, 22nd Judicial District Court, St. Tammany Parish, Louisiana. A jury found defendant guilty of aggravated incest, and I sentenced him to 18 years at hard labor. The Court of Appeal reversed the conviction, finding I erred in allowing evidence the defendant married a 14 year-old girl. *See State v. Wright*, 2010-0858 (La. App. 1 Cir. 12/22/10), 2010WL5464421. The Louisiana Supreme Court reversed the Court of Appeal and reinstated the conviction and sentence, finding my evidentiary ruling was correct. *See State v. Wright*, 2011-0141 (La. 12/6/11), 79 So. 3d 309. Trial court minute entry supplied.

Bogle v. Christian, Docket No. 2011-15703 Div. G, 22nd Judicial District Court, St. Tammany Parish, Louisiana. I found a plaintiff failed to prove causation for any injuries in an automobile accident. The Court of Appeal reversed and awarded damages. See *Bogle v. Christian*, 2013-0690 (La. App. 1 Cir. 12/27/13), 2013WL6858255. Trial court judgment and written reasons supplied.

Alexander ex rel. Myles v. Period Millworks, LLC, Docket No. 2011-14286 Div G, 22nd Judicial District Court, St. Tammany Parish, Louisiana. I granted an exception of no cause of action finding defendants' liability was limited to workers' compensation. The Court of Appeal reversed that ruling. *See Alexander ex rel. Myles v. Period Millworks, LLC*, 2011-2274 (La. App. 1 Cir. 6/14/12), 2012 WL 2196275. Trial court judgment supplied. No written reasons were issued.

Lewisburg Estates Homeowners Ass'n v. Wimberly, Docket No. 2007-16282, Div G, 22nd Judicial District Court, St. Tammany Parish, Louisiana. I denied relief in an action to nullify a judgment in favor of a homeowners association. The Court of Appeal reversed. *See Lewisburg Estates Homeowners Ass'n v. Wimberly*, 2012-2050 (La. App. 1 Cir. 9/13/13), 2013WL11253282. Trial court judgment supplied. No written reasons were issued.

State v. Tin, Inc., Docket No. 103031 Div G, 22nd Judicial District Court, Washington Parish, Louisiana. I denied an exception of res judicata in this suit. The Court of Appeal reversed. *State v. Tin, Inc.*, 2012-1778 (La. App. 1 Cir. 1/15/13) 2013WL12116254, *writ denied*, 2013-0371 (La. 4/19/13), 112 So.3d 224. Trial court judgment and written reasons supplied.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

While possibly designated "unpublished; all opinions are, in fact, reported in Westlaw and Lexis/Nexis.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

State in Interest of D.D., 24-00254 (La. 6/27/25), 413 So. 3d 319, *reh'g denied,* 24-00254 (La. 9/4/25)

State v. Spell, 2021-00876 (La. 5/13/22), 339 So.3d 1125

State v. Hill, 2020-0323 (La. 10/20/20), 341 So.3d 539, 557 (Crain, J., dissenting)

Bienvenu v. Defendant 1, 2023-01194 (La. 3/22/24), 382 So.3d 38, 58 (Crain, J., dissenting), *reh'g granted,* 2023-01194 (La. 5/10/24), 384 So.3d 885, and *opinion vacated on reh'g,* 2023-01194 (La. 6/12/24) 386 So.3d 280

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

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

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself; including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have not served on a court that had automatic recusals. Recusals are handled on a case-by-case basis. I have always been guided by ensuring due process for the parties, which is a fair and impartial judge. Following the United States Supreme Court Decision in *Caperton v. A.T. Massey Coal Co., Inc.,* 556 U.S. 868; 129 S. Ct. 2252; 173 L.Ed.2d 1208 (2009), actual bias is no longer required to prompt recusal in Louisiana. The test is now

whether the "judge's impartiality might reasonably be questioned" and if there exists "a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner." Canon 3 of the Louisiana Code of Judicial Conduct; La. Code Civ. Proc. Art. 151(B).

At the district bench I served with eleven judges who could hear any case for which I was recused. However, I approached each recusal consideration as though I was serving in a single-judge district where, because of our elective system, one would expect to encounter friends, acquaintances and relatives to some degree on a regular basis. This allowed me to hue to the constitutional principles and, in deciding very difficult cases, limit the number of recusals. I do not recall having to be requested to recuse, except one time at the Louisiana Supreme Court.

I was requested to recuse by motion filed in *Global Mktg. Sols. L.L.C. v. Chevron U.S.A., Inc.*, 2019-01886 (La. 2/10/20), 347 So.3d 741, 742. The request arose out of campaign ads directed at the attorneys for the plaintiffs. It was alleged that because of ads run during my campaign, I could not be fair to the attorneys in the case. I believed I could be fair and impartial and did not self-recuse. The supreme court voted 4-2 (Crain, J. abstaining) to recuse me. After a period of time, the matter came back before the court. Once again, I was the subject of a motion to recuse. On this occasion the supreme court voted to not recuse me. I eventually was assigned to author the opinion in the case on final appeal.

15. Public Office, Political Affiliations and Activities:

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 candidates you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public office other than a judicial office.

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

I have not held any memberships or offices in, or rendered any services to, any political party or election committee.

16. Legal Career: Answer each part separately.

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

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

I have not served as a clerk to a judge.

ii. whether you practice alone, and if so, the address and dates;

I have not practiced alone.

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

1986 – 2008
Jones Fussell, LLP
1001 U.S. Hwy 190 East Service Road
Covington, Louisiana 70433
Partner (1990 – 2008)
Associate (1986 – 1989)

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 never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

My practice was primarily litigation for 22 years. That included plaintiff and defense representations, and commercial litigation. My civil practice was heavily weighted to medical malpractice defense, with selected plaintiff cases I chose to handle on referrals.

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

While with my law firm, Jones Fussell, LLP, from 1986 until 2008, I specialized in medical malpractice and my predominate client was St. Tammany Parish Hospital. I also represented BellSouth Telecommunications, John Deere and Coca Cola.

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 estimate 80% of my practice was litigation while associated with my law firm from 1986 until 2008. I appeared in court frequently and tried jury trials in courts throughout the State of Louisiana.

i. Indicate the percentage of your practice in:

1.	federal courts:	less than 1%
2.	state courts of record:	99%
3.	other courts:	0%
4.	administrative agencies:	less than 1%

ii. Indicate the percentage of your practice in:

1.	civil proceedings	100%
2.	criminal proceedings:	0%

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

I estimate that I tried 50 cases to verdict or final disposition.

i. 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.

I have never appeared before the Supreme Court of the United States.

17. Litigation: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case.

a. the date of representation

b. the name of the court and the name of the judge 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. *Risenhoover v. Cox TX Publications*, Docket No. 6:93-cv-00138-WSS, U.S. Western District of Texas, Hon. Walter S. Smith presiding.

I represented survivors of ATF agents killed in the raid on the Branch Davidian compound in Waco, Texas. The suit sought and recovered substantial damages from media entities. The dates of my representation were approximately 1993 to 1998.

Co-Counsel:
John W. Stevenson, Jr.
Stevenson & Murray
24 Greenway Plaza
Suite 750
Houston, TX 77046
(866) 928-5124

Opposing Counsel:
David E. Mills
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Northwest
Suite 800
Washington D.C. 200-36
(202) 776-2222

Charles L. Babcock
Jackson Walker, LLP
1401 McKinney
Suite 1900
Houston, TX 77010
(713) 752-4210

Mark I. Harrison
Bryan Cave
2800 North Central
Suite 2100
Phoenix, AZ 85004
(602) 230-7000

2. *Eubanks v. St. Tammany Parish Hospital Service District No. 1*, Docket No. 03CV2878, U.S. Eastern District Court of Louisiana, Hon. Sarah Vance presiding.

I represented the defendant in the medical malpractice action. A jury awarded no damages to the plaintiff. The dates of my representation were approximately 2003 to 2007.

Opposing Counsel:
Gary Gamble
Murphy, Rogers, Sloss, Gambel, & Tompkins
701 Poydras Street, Suite 400
New Orleans, LA 70139
(504) 523-0400

3. *Fox v. Kusalavage*, Docket No. 02CV676, U.S. Western District Court of Louisiana, Hon. Patricia Fox presiding.

I represented the plaintiff in this medical malpractice litigation that resulted in a jury verdict in favor of the plaintiff. The dates of my representation were approximately 2001 to 2006.

Opposing Counsel:
John G. Bergstedt
Stockwell, Sievert, Viccellio, Clements & Shaddock, L.L.P.
127 West Broad Street
Lake Charles, LA 70602
(337) 429-8197

4. *Secure Communications, Inc. v. SWU, Incorporated*, Docket No. 93-13609 Div. D, 22nd Judicial District Court, St. Tammany Parish, Louisiana. Honorable Clayton James presiding.

I represented the plaintiff in this commercial litigation based on a breach of contract. A jury found the defendant breached the contract and awarded the requested damages to my client. The dates of my representation were approximately 1992 to 1995.

Opposing Counsel:
Brent B. Boxill
8714 Jefferson Hwy B
Baton Rouge, LA 70809
(225) 923-1055
(225) 291-5555

5. *Schopp v. Our Lady of the Lake Hospital, Inc.*, Docket No. 418,380, 19th Judicial District Court, East Baton Rouge Parish, Louisiana. Hon. Michael McDonald presiding.

I represented the plaintiffs, a doctor and a lawyer, in this medical malpractice action seeking recovery for the wrongful death of their mother. A jury awarded damages to my clients, and the Court of Appeal affirmed the award. *See Schopp v. Our Lady of the Lake Hospital, Inc.*, 98-1382 (La. App. 1 Cir. 6/25/99), 739 So. 2d 338. The dates of my representation were approximately 1997 to 2000.

Opposing Counsel:
T. MacDougall Womack
Taylor Porter
450 Laurel Street, Suite 800
Baton Rouge, LA 70801
(225) 387-3221

Robert W. Barton
Taylor Porter
450 Laurel Street, Suite 800
Baton Rouge, LA 70801
(225) 387-3221

6. *McCant v. Bill Garrett Nissan*, 94-8770 Div. J, 22nd Judicial District Court, St. Tammany Parish Louisiana. Hon. Reginald Badeaux presiding.

I represented the plaintiff in this products liability and negligent repair litigation arising out of an automobile accident. A jury awarded damages to my clients, and the court of appeal affirmed the award. The dates of my representation were approximately 1994 to 2001.

Opposing Counsel:
Frederick H. Dwyer
3580 North Causeway Blvd.
Metairie, LA 70002
(504) 846-3606

Carl J. Giffin
Bernard, Cassisa, Elliott & Davis
3838 North Causeway Blvd., Suite 30350
Metairie, LA 70002
(504) 834-9438

7. *Pierson v. MediThrift Drugs Jackson*, 87293 Div. E, 21st Judicial District Court, Tangipahoa Parish Louisiana. Hon. Kenneth Fogg presiding.

I represented the plaintiff in this medical malpractice action that resulted in a judgment of substantial damages for my client. Additional litigation concerning coverage provided by

the Patient's Compensation Fund was resolved favorably to the plaintiff. The dates of my representation were approximately 1988 to 1995.

Opposing Counsel:
T. Jay Seale, III
Seale & Ross
200 North Cate Street
Hammond, LA 70401
(985) 542-8500

8. *Danna v. Narra*, 61157 Div. E, 23rd Judicial District Court, Hon. Alvin Turner, Jr. presiding.

I represented the plaintiff in this medical malpractice action that concluded with a jury verdict in favor of my client. The dates of my representation were approximately 1997 to 2000.

Opposing Counsel:
Janie Languirand Coles
Mang, Bourgeois, Calloway, & Thomas, LLC
8550 United Plaza Blvd., Suite 310
Baton Rouge, LA 70809
(225) 932-9312

9. *L.B. Shelton, Jr. v. Larry's Hardware*, 99-10146 B, 22nd Judicial District Court, Hon. Martin Coady presiding.

I represented the plaintiff is this personal injury action. The jury awarded damages to my clients. The dates of my representation were approximately 1998 to 2002.

Opposing Counsel:
Adrianne Baumgartner (deceased)
Porteous, Hainkel, and Johnson
408 North Columbia Street
Covington, LA 70433
(985) 893-4790

William C. Lozes
Porteous, Hainkel, and Johnson
408 North Columbia Street
Covington, LA 70433
(985) 893-4790

Dan Richard Dorsey
Porteous, Hainkel, and Johnson
408 North Columbia Street

Covington, LA 70433
(985) 893-4790

10. *Roberson v. Timothy,* 89-16058 Div "B," 22nd Judicial District Court, Hon. A. Clayton James presiding.

I represented the plaintiff is this personal injury action arising out of an automobile accident. The jury awarded damages to my client. The dates of my representation were approximately 1988 to 1992.

Opposing Counsel:

James Ryan, III
201 St. Charles Av., Suite 3315
New Orleans, LA 70170
(504) 599-5990

Brent P. Abadie
3850 North Causeway Blvd.
Metairie, LA 70002
(504) 840-4911

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

I handled litigation that resolved insurance claims arising from Hurricane Katrina, including damage to a tree farm north of Covington, Louisiana and a shopping center in Slidell, Louisiana. I also represented the landowners and litigated the largest timber theft recovery in the history of St. Tammany Parish, which case was resolved without a trial.

I have never acted or registered as a lobbyist.

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

I have not taught any courses.

20. Deferred Income: 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 receive rental income for a residence I own. I am also eligible to receive a pension in connection with my service as a state court judge. I have no other source of income responsive to this question.

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

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

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and supply a copy to the Senate Judiciary Committee.

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

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

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

To my knowledge, there are no family members or other persons, parties, categories of litigation, or financial arrangements likely to present a potential conflict of interest that I would anticipate encountering. If confirmed, I will recuse in any litigation where I have played a role. I will recuse in any case where a family member or close personal relation is a practicing attorney or represents any party. Lastly, I will evaluate any other real or potential conflict or relationship that could give rise to the appearance of conflict, on a case-by-case basis and determine appropriate action with the input of parties and their counsel including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. Pro Bono Work. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I do not have specific records of cases as nearly all my files with Jones Fussell have been discarded, but I handled civil cases free of charge on a number of occasions and participated in Law Day presentations. As a lawyer and judge, I have regularly volunteered to provide continuing legal education. I have participated in the Judges in the Classroom/Students in the Courtroom program sponsored by the Supreme Court of the State of Louisiana by addressing students at every level and have judged moot court competitions for students in high school and law school.

26. Selection Process.

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

In late 2024, I reached out to Senator John Kennedy to discuss the three openings on the United States District Court for the Eastern District of Louisiana. In that conversation, I expressed that I would have an interest in one of the positions. I next received contact on March 25, 2025, from Senator Kennedy's office, requesting that my resume be forwarded to the White House. On April 16, 2025, the White House Counsel's Office contacted me to schedule a meeting in Washington, D.C. to interview with members of the White House Counsel's Office on April 25, 2025. I spoke with Senator Bill Cassidy on April 21, 2025, regarding the possible nomination.

On April 25, 2025, I met with and was interviewed by attorneys for the White House Counsel's office. On September 4, 2025, I was notified by Senator Kennedy's office and the White House Counsel's Office that I would be entering FBI background check for the possible nomination. Since then, I have been in contact with officials from the White

House Counsel's Office and the Department of Justice, Office of Legal Policy, regarding the nomination.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		27	447	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities -- see schedule		409	741	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable			0
Real estate owned -- see schedule		995	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		10	000				
Cash value-life insurance							
Other assets itemize:							
				Total Liabilities			0
				Net Worth	1	442	188
Total Assets	1	442	188	Total Liabilities and Net Worth	1	442	188
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts		18	400	Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
American Growth Fund	$39,681.80
Abbott Labs	6,102.36
Alphabet Inc. SHS Cl A	8,516.40
Amazon Com Inc. COM	9,160.00
Apple, Inc.	14,740.89
Berkshire Hathaway Inc.	15,843.87
Costco Wholesale CRP DEL	11,791.50
Emerson Elec Co	4,488.00
JPMorgan Chase & CO	11,303.25
Kenvue Inc	2,081.37
Merck and Co. Inc. SHS	2,944.20
Microsoft Corp	11,400.53
Walmart, Inc.	9,164.61
Williams Companies Del	10,273.70
First Trust Dow Jones	5,807.13
First Trust RBA	7,552.05
First Tr Smid Cap Rising	3,358.58
Invesco S&P 500 Equal	5,847.22
IShares Semiconductor	7,359.60
IShares Core S&P U.S.	11,771.25
IShares Core S&P	14,433.56
Sector SPDR Energy	4,248.33
SPDR MSCI USE Strategic	3,426.78
Vanguard 500 Index Fund	6,523.88
Avantis Emerging Markets	6,646.92
Blackrock EQTY Dividend	12,936.80
Causeway Inernational	8,500.14
Edgewood Growth Fund CL	10,251.02
Fullerthaler Behavioral	15,475.28
GS GQC Partners	8,399.44
ISH USD High Yield	1,674.54
IShares Russell 1000	23,170.68
IShares Russell 1000	25,203.75
IShares US Treasury Bond	9,929.53
IShares Inc. Core MSCI	6,519.45
IShares TR Core MSCI	8,695.74
MFS Value FD CL I	12,447.53
PIMCO Investment Grade	14,961.36
Vanguard Mortgage-Backed	3,333.33
Vanguard Russell 1000 ET	12,097.69
Vanguard Total International	1,676.54

Total Listed Securities	409,740.60
Real Estate Owned	
Personal Residence	$450,000.00
Undeveloped Land #1 (33% interest)	145,000.00
Undeveloped recreational (hunting) land #2 (25% interest)	275,000.00
Rental Property #1	125,000.00
Total Real Estate Owned	$ 995,000.00

AFFIDAVIT

I, William J. Crain, who swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

September 19, 2025
Date

WILLIAM J. CRAIN

NOTARY

Rosemary Susanne Johnson Inman
Louisiana Bar Roll # 29275
Notary Public ID# 79804
Parish of St. Tammany
Statewide Jurisdiction
My commission is for life.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for William Jerrol Crain
Nominee to be U.S. District Judge for the Eastern District of Louisiana
October 29, 2025

1. In *State v. Kennon* (2020), you dissented from your fellow justices who overturned a 60-year sentence for distribution and possession of cocaine as impermissibly excessive. Your colleagues noted that the defendant had never been convicted of a violent crime. You argued that their holding "attempted to deflect from the violence long associated with drug culture."

a. As a judge, how do you distinguish between violent crime and non-violent crime?

Response: Crimes of violence are defined in both Louisiana law and federal law. *See* La. Code Cr. Proc. Art 890.3 and 18 U.S.C.A. § 16; *see also Sessions v. Dimaya*, 584 U.S. 148, 175; 138 S.Ct. 1204, 1223; 200 L.Ed.2d 549 (2018) (finding residual clause in 28 U.S.C.A. §16B unconstitutionally vague). In *Kennon*, I did not find a crime of violence. *Kennon* was a fourth felony-offender with at least one distribution conviction. His drug offenses touched three decades. As a fourth felony-offender, he faced a potential life sentence. However, by plea, he consented to a second-offense habitual offender status and agreed to a sixty year sentence. I cited to Justice Kennedy's observations concerning the relationship between drugs and crime. *See Harmelin v. Michigan*, 501 U.S. 957, 1002-03; 111 S.Ct. 2680, 2706; 115 L.Ed.2d 836 (1991) (Kennedy, J., concurring). If confirmed, I will apply the statutory definitions for "crimes of violence" and follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

b. Is it your position that all drug offenses are inherently violent? If so, on what legal authority did you rely to draw that conclusion?

Response: No. All drug offenses are not inherently violent.

2. During your 2019 campaign for the Louisiana Supreme Court, you repeatedly referred to yourself as "pro-life." During that same campaign, you expressed ardent support for the death penalty and argued that it should be implemented in "an efficient manner."

a. Please explain what you meant when you emphasized the need for efficiency in death penalty cases.

Response: I have observed death penalty cases delayed for 20 plus years in the appeal process. At that point, the deterrent effect of the penalty may be decreased, the victims' families feel justice is often denied due to the delays, and the community conscience loses context for the sentence. I believe that executing

sentences should not be delayed to that extent. Of course, the paramount interest is that the sentence be correct. If it takes 20 years to validate a death sentence, reform may be appropriate to sooner assure the accuracy of the conviction and sentence in death penalty cases. Nevertheless, I will not allow my personal views to interfere with my fair and impartial application of the law. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

b. When the state seeks to execute a criminal defendant, what do you believe is the more important factor—accuracy, or efficiency?

Response: Accuracy and correctness are most important.

3. You have been a judge for over 15 years.

a. Please explain your experience with criminal matters. Approximately how many criminal cases do you estimate you have handled as a judge?

Response: As a trial judge I presided over approximately 100 felony criminal jury trials that reached a verdict. Most of the remaining cases were resolved by pleas, to which the defendant consented. In 16 years as a trial court and appellate court judge, I estimate having handled over 1000 criminal cases.

b. Of those cases, how often would you estimate you sided with a criminal defendant over the prosecution?

Response: In every case, I applied the law to the facts to reach a conclusion. I do not know how often that conclusion resulted in a decision for the defendant or the prosecution. Generally, appellate standards of review favor the trial court fact finder; therefore, judgments from the trial court in criminal cases are affirmed at higher percentages compared to reversals.

4. I am a longtime supporter of various re-entry courts, including drug courts and Veterans Treatment Courts. I have seen these courts work successfully throughout Illinois, especially in Chicago and Cook County. I think the proof has been clear—when we include solutions like individualized, evidence-based treatment and recovery support to defendants, we can reduce recidivism and actually address some of the root causes of crime.

According to one local publication, while you were a judge on the 22nd Judicial District Court, you went from being "skeptical" of your district's drug and behavioral health courts to praising the work they do.[1]

a. Why were you initially skeptical of re-entry courts, including drug, behavioral health, and DWI courts?

[1] Suzanne Le Breton, *Call us St. Slammany? No problem,* ST. TAMMANY NEWS (Apr. 27, 2012).

Response: My initial skepticism, which was noted in this 2012 article, was born from two things. First, early analyses of the drug court compared defendants who went to drug court versus those who did not. Knowing that judicial officers selected the persons who they believed would benefit most from drug court, I thought that selection bias could undermined confidence in that comparison. Second, I also questioned whether drug "courts" should be managed in the judicial branch as opposed to the executive branch, as they are not adjudicative courts. That was at a time when specialty "courts" were first starting in our area. I believe the benefits have been proven over time, and when I served as a trial judge, sent defendants to drug court.

b. In your experience, how do these specialty courts improve the criminal justice system?

Response: More focused attention on the conditions that may be contributing to a defendant's criminal conduct allows for rehabilitation efforts to address those conditions, thus, hopefully reducing repeat criminal conduct.

5. In a June 2025 interview, you commented on the rise in violent crime by juveniles.[2] In that interview, you echoed the interviewer's statement that "the weapons" contributed to the problem.

a. Do you believe that access to weapons, including firearms, contributes to violent crime by juveniles?

Response: In my experience, juveniles with violent tendencies find ways to commit violent crimes, with or without "weapons," including firearms.

In that same interview, you also said that judges who manage a juvenile docket have to "be able to discern between a kid who is a bad kid and a kid who made a bad mistake." You added "that level of discernment is super important in our juvenile judges." You then said: "The bad kids, the incorrigible kids? You gotta treat 'em tough."

b. How do you distinguish between "bad kids" or "incorrigible kids" and "a kid who made a bad mistake"?

Response: As a judge, I rely on all information presented to me about a defendant. Family structure and systems, education, employment, and peer groups all factor into discerning who is likely to be rehabilitated. The nature of the crime is also informative. *See Miller v. Alabama*, 567 U.S. 460; 132 S.Ct. 2455; 183 L.Ed.2d 407 (2012) (emphasizing the importance of considering unique circumstances and potential for change in young offenders). If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

[2] *Will Crain*, AN17 (June 1, 2025), https://www.youtube.com/watch?v=CbPH1Oj-DXo.

6. Did President Trump lose the 2020 election?

Response: Certification of vote by state electors determines who prevailed in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Using that process, President Biden was certified as the winner of the 2020 election.

7. Where were you on January 6, 2021?

Response: I was at my office and home in Madisonville, Louisiana, on January 6, 2021.

8. Do you denounce the January 6 insurrection?

Response: The characterization of the conduct of persons located at the Capitol on January 6, 2021, is a matter of significant political debate. In addition, I am aware that the legal import of pardons issued to those prosecuted for involvement in events at the Capitol on January 6, 2021, is a matter subject to ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment further.

9. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The Constitution provides the President "shall have Power to grant Reprieves and Pardons for Offenses against the United States." U.S. Const. art. II, § 2. The power is exercised at the discretion of the President. As a judicial nominee, it would be inappropriate for me to comment further.

10. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: A party may appeal and seek a stay of the judgment. *See* Fed. Rules Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: Each case must be decided based on its specific facts, but generally a party must seek a stay of a judgment to suspend its enforcement. *See* Fed. Rules

Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8. Certain exceptions may apply for particular orders, and, more broadly, judgments issued by a court without jurisdiction are regarded as nullities. *See In re Sawyer*, 124 U.S. 200, 220; 8 S.Ct. 482, 493; 31 L.Ed. 402 (1888); *Elliott v. Peirsol's Lessee*, 26 U.S. 328, 340; 7 L.Ed. 164 (1828).

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: The judicial power of the United States is "vested in the Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. art. III, § 1. "It is emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. 137, 177; 2 L.Ed. 60 (1803).

11. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: The Supreme Court held a "universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power." *Trump v. CASA, Inc.*, 606 U.S. 831, 841; 145 S.Ct. 2540, 2550; 222 L.Ed.2d 930 (2025). The court limited injunctive relief in that case only as necessary "to provide complete relief to each plaintiff with standing to sue." *Id.*, 606 U.S. at 861; 145 S.Ct. at 2562-63. To the extent the question calls for a legal conclusion beyond this holding, it would be inappropriate for me as a judicial nominee to further comment on the matter.

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: See response to question 11a.

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: The U.S. Court of Appeals for the Fifth Circuit has held injunctive relief against nonparties may be available in limited circumstances "where nonparties have actual notice of an injunction and aid and abet or act in concert with a named defendant or as the defendant's privy in violating the injunction." *Texas v. Dep't of Labor*, 929 F.3d 205, 210 (5th Cir. 2019). If confirmed, I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it is inappropriate for me to further comment on the matter.

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No.

12. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

13. Does the U.S. Constitution permit a president to serve three terms?

Response: The Twenty-Second Amendment states "No person shall be elected to the office of the President more than twice."

14. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[3]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

Response: This question calls for a response to statements by a political figure regarding ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment further on the matter.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: See response to question 14a.

15. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a "judicial coup"[4] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[5]

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[3] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.
[4] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), https://x.com/StephenM/status/1927874604531409314.
[5] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), https://x.com/StephenM/status/1928065122657845516.

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: This question calls for a response to statements by a political figure regarding ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment further on the matter.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: See response to question 15a.

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: See response to question 15a.

16. When, if ever, may a lower court depart from Supreme Court precedent?

Response: *Stare decisis* recognizes that adherence to judicial precedent "promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." *Payne v. Tennessee*, 501 U.S. 808, 827; 111 S.Ct. 2597, 2609; 115 L.Ed.2d 720 (1991). If confirmed, I will follow all applicable precedent of the Supreme Court at the U.S. Court of Appeals for the Fifth Circuit.

17. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: Generally, the relevant factors in deciding whether to adhere to the principle of *stare decisis* include the antiquity of the precedent, the reliance interests at stake, and whether the decision was well reasoned. *Montejo v. Louisiana*, 556 U.S. 778, 792-93; 129 S.Ct. 2079, 2088–89; 173 L.Ed.2d 955 (2009). The fact that a decision has proved "unworkable" is also traditional ground for overruling it. *Id.*, 556 U.S. at 792; 129 S.Ct. at 2088. As a judicial nominee for a district court, I do not feel it is appropriate to comment on what a reviewing court should do.

18. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: See response to question 17.

19. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

b. ***Plyler v. Doe***
c. ***Loving v. Virginia***
d. ***Griswold v. Connecticut***
e. ***Trump v. United States***
f. ***Dobbs v. Jackson Women's Health Organization***
g. ***New York State Rifle & Pistol Association, Inc. v. Bruen***
h. ***Obergefell v. Hodges***
i. ***Bostock v. Clayton County***
j. ***Masterpiece Cakeshop v. Colorado***
k. ***303 Creative LLC v. Elenis***
l. ***United States v. Rahimi***
m. ***Loper Bright Enterprises v. Raimondo***

Response: Although a judicial nominee usually should not comment on a particular Supreme Court precedent, numerous nominees have made exceptions for *Brown* and *Loving*. In light of that established custom, I express my view that *Brown* and *Loving* were correctly decided. Subject to those two exceptions, as a judicial nominee it would be inappropriate for me to publicly comment on the correctness of a Supreme Court decision. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

20. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: I understand originalism to be an interpretative approach to laws that relies on the drafters' original understanding of the text. *See* Antonin Scalia, *Originalism: The Lesser Evil*, 57 U. Cin. L. Rev. 849, 856 (1989). "Properly done, the task requires the consideration of an enormous mass of material—in the case of the Constitution and its Amendments, for example, to mention only one element, the records of the ratifying debates in all the states." *Id.* In interpreting the Constitution, I would employ methodologies consistent with the methods of interpretation that the Supreme Court employs when it undertakes to interpret constitutional provisions. The Supreme Court has routinely interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g., District of Columbia v. Heller,* 554 U.S. 570 (2008).

21. How do you decide when the Constitution's "original meaning" should be controlling?

Response: See response to question 20.

22. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: *Obergefell* is binding precedent. Beyond recognizing this precedent and confirming I will follow it and all other binding precedent from the Supreme Court and

U.S. Court of Appeals for the Fifth Circuit, as a judicial nominee it would be inappropriate for me to further comment on the matter.

23. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response. Yes. The Supreme Court recognized a constitutional right to marry that does not discriminate based on race. *See Loving v. Virginia*, 388 U.S. 1; 87 S.Ct. 1817; 18 L.Ed.2d 1010 (1967).

24. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: These clauses collectively provide, "No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Under the Equal Protection Clause, laws that classify citizens based on suspect classes, such as race, are subject to strict scrutiny. *See Hunt v. Cromartie*, 526 U.S. 541, 546; 119 S.Ct. 1545, 1548-49; 143 L.Ed.2d 731 (1999). The Fourteenth Amendment's Due Process Clause protects two categories of substantive rights, the rights guaranteed by the first eight Amendments and other fundamental rights "deeply rooted in [our] history and tradition" and essential to our Nation's "scheme of ordered liberty." *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 237; 142 S.Ct. 2228, 2246; 213 L.Ed.2d 545 (2022).

25. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: Laws containing sex-based classifications are subject to intermediate scrutiny, under which the State must show that the "classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives." *See United States v. Skrmetti*, 145 S.Ct. 1816, 1828; 222 L.Ed.2d 136 (2025). If confirmed, I will follow all binding precedent from the Supreme Court and Fifth Circuit Court of Appeals. As a judicial nominee, it is inappropriate for me to further comment on the matter.

26. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: See my response to question 20.

27. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: See my response to question 20.

28. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." According to the Supreme Court, "while laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference, . . . such scrutiny is unwarranted when the differential treatment is justified by some special characteristic of the particular [speaker] being regulated." *TikTok Inc. v. Garland*, 604 U.S. 56, 72-73; 145 S.Ct. 57; 220 L.Ed.2d 319 (2025) (citations and internal quotation marks omitted). First Amendment protection has been extended to natural and juridical persons. If confirmed, I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it is in appropriate for me to further comment on the matter.

29. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: Content-based laws target speech based on its communicative content. *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471; 145 S.Ct. 2291, 2302; 222 L.Ed.2d 643 (2025). Such laws are presumptively unconstitutional and may be justified only if they satisfy strict scrutiny. *Id.* Content-neutral laws are subject to an intermediate level of scrutiny because they usually pose a "less substantial risk of excising certain ideas or viewpoints from the public dialogue." *Id.* If confirmed, I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it is inappropriate for me to further comment on the matter.

30. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: "True threats" encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. *Virginia v. Black*, 538 U.S. 343, 359; 123 S.Ct. 1536, 1548; 155 L.Ed.2d 535 (2003). "The speaker need not actually intend to carry out the threat. Rather, a prohibition on true threats protects individuals from the fear of violence and from the disruption that fear engenders, in addition to protecting people from the possibility that the threatened violence will occur." *Id.* (internal quotation marks and brackets omitted).

31. Is every individual within the United States entitled to due process?

Response: The Fifth Amendment provides: "No person shall be . . . be deprived of life, liberty, or property, without due process of law." The Supreme Court has stated "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*,

533 U.S. 678, 693; 121 S.Ct. 2491, 2500; 150 L.Ed.2d 653 (2001). If confirmed, I will follow all precedent of the Supreme Court and the United States Court of Appeals for the Firth Circuit.

32. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: See response to question 31.

33. The Fourteenth Amendment states: "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."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: This question calls for a response regarding matters subject to ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment on the matter.

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: See response to question 33a.

34. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes. No one should be excluded from the judicial branch or elsewhere based on race, ethnicity, sex, religion, or any other protected characteristic.

35. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: A federal judge should faithfully, fairly, and impartially apply all laws, including the First Step Act of 2018. *See* Code of Conduct for United States Judges 3A(3); 28 U.S.C.A. § 453.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes.

36. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of "traditional values"?

Response: I am not familiar with the quoted statement. However, "traditional values" are long-standing principles, beliefs, and institutions rooted in our history and traditions that shape our society's framework.

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[6]

i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?

Response: As a judicial nominee, it would be inappropriate for me to publicly comment on political controversies or statements by political figures.

ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?

Response: See response to question 36b.

iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?

[6] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), https://truthsocial.com/@realDonaldTrump/posts/114593880455063168.

Response: If confirmed, I will review any memberships to determine if continuing them is consistent with my oath of office and the canons of the Code of Conduct for United States Judges.

c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

Response: No.

d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

Response: As stated in my Senate Judiciary Questionnaire, I gave an update from the judiciary at a continuing legal education seminar hosted by the American Federalist Society in 2017. I was on a panel which included federal district court judges Greg Guidry (Eastern District of Louisiana) and Brian Jackson (Middle District of Louisiana).

e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: No.

37. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

38. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

39. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

40. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

41. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

42. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

43. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: No, not to my knowledge.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am not aware of any undisclosed donations made to any organizations in support of my nomination. If any such donations were made, they would not affect or influence my decision-making as a judge. To the extent this question seeks an opinion as to whether such donations should be disclosed, as a Louisiana judge I am required to make financial disclosures on many matters. Otherwise, it would be inappropriate as a judicial nominee to further comment about the matter.

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: If confirmed, I will address any potential conflict of interest in accordance with the standards set forth in 28 U.S.C.A. § 455 and the applicable canons of the Code of Conduct for United States Judges. To the extent this question seeks comment on a public policy matter, it is not appropriate for me as a judicial nominee to publicly comment on it.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: See responses to questions 43d-e.

Senate Judiciary Committee
Nomination Hearing
October 22, 2025
Questions for the Record
Senator Amy Klobuchar

For William Crain, to be U.S. District Court Judge for the Eastern District of Louisiana

1. In 2022, the Louisiana Supreme Court was asked to review a temporary restraining order blocking Louisiana's trigger laws. The Court declined review, but you wrote a dissenting opinion arguing the abortion bans should go into effect. Ultimately, the bans did go into effect – and they remain in effect today.

   This has caused real harm to women. According to a 2024 Report, *Criminalized Care: How Louisiana's Abortion Bans Endanger Patients and Clinicians*, one patient's care for an ectopic pregnancy was delayed so long that her fallopian tubes ruptured. Other women were forced to undergo risky C-sections when their water broke too early in pregnancy and their doctors were banned from providing appropriate care.

   - Your dissent downplayed any harm to doctors and failed to even acknowledge that pregnant women might face irreparable harm – and might even die. What would you say to litigants who question if you will meaningfully consider all potential harms or all legal arguments, and evenhandedly apply the law?

     Response: If confirmed, I will fairly and impartially apply the law to all parties who appear before me. I believe that is reflected in over 500 opinions I have authored as a judge over 16 years. In *Dobbs v. Jackson Women's Health Org.*, the Supreme Court held "that the Constitution does not confer a right to abortion. Roe and Casey must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives." 597 U.S. 215, 292 (2022). Some states, including Louisiana, passed laws that restricted abortion. The issue in *June Medical Services, LLC v. Landry* was whether the plaintiffs, who were abortion providers, had met the standard for a temporary restraining order without notice as to Louisiana's "trigger laws" after *Dobbs*. Under the law of Louisiana, the "trigger laws" were presumed constitutional. State v. Hatton, 07-2377 (La. 7/1/08), 985 So. 2d 709, 719. To obtain a temporary restraining order required plaintiffs show a likelihood of success on the merits. The trial court granted a restraining order, and the state filed a writ application with the Louisiana Supreme Court, which denied the application. In light of Dobbs, I dissented from the denial because I believed it unlikely the plaintiffs could prove the statutes unconstitutional, which warranted immediate review by our court. My decision was anchored in the law, not my personal or political views.

2. Some jurisdictions have passed laws purporting to prohibit people from traveling to access reproductive care or helping people travel to get an abortion.

- In his concurrence in *Dobbs*, Justice Kavanaugh wrote: "may a State bar a resident of that State from traveling to another State to obtain an abortion? In my view, the answer is no, based on the constitutional right to interstate travel." Do you agree with Justice Kavanaugh?

  Response: The Supreme Court has recognized: "The 'right to travel' . . . protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State." *Saenz v. Roe*, 526 U.S. 489, 500; 119 S.Ct. 1518, 1525; 143 L.Ed.2d 689 (1999). As a judicial nominee for district judge, it would be inappropriate for me to comment further on a matter that may come before me, or on the views expressed in an opinion by a Supreme Court justice.

- Do you agree that the Constitution guarantees to citizens of one state the fundamental right to travel to another state to seek and obtain services lawful in that state, including medical services?

  Response: See response to Question 2.

Nomination of William Crain to the
United States District Court for the Eastern District of Louisiana
Questions for the Record
Submitted October 28, 2025

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.

   Response: No.

   a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

      Response: No.

2. How would you describe your judicial philosophy?

   Response: My judicial philosophy is to apply the law as written to the facts before me. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

3. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

   Response: In *Washington v. Glucksberg*, 521 U.S. 702; 117 S.Ct. 2258; 138 L.Ed.2d 772 (1997), the Supreme Court held that a fundamental right must be "deeply rooted in the Nation's history and tradition." That determination requires examination of legal doctrine, Common law and historical practices to see if the claimed right is protected. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit in determining whether a right is fundamental and protected under the Fourteenth Amendment.

   a. Would you consider whether the right is expressly enumerated in the Constitution?

      Response: Yes, in accordance with the precedent of the Supreme Court and the U.S Court of Appeals for the Fifth Circuit.

b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes. See response to question 3.

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes. See response to question 3.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes. See response to question 3.

e. What other factors would you consider?

Response: If confirmed, I would follow the precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit to determine fundamental rights.

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: As the Supreme Court has held, "[i]f a precedent of this Court has direct application in a case," lower courts "should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." *Agostini v. Felton,* 521 U.S. 203, 237 (1997) (quoting *Rodriguez de Quijas v. Shearson/American Exp., Inc.*, 109 U.S. 477, 484 (1989)). If confirmed, I would faithfully apply all Supreme Court and U.S Court of Appeals for the Fifth Circuit precedent.

5. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] in any proceeding in which [their] impartiality might reasonably be questioned." Would you recuse yourself from cases involving former clients?

Response: If confirmed, I will follow the dictates of 28 U.S.C. § 455 and the Code of Conduct for United States Judges.

6. In your Senate Judiciary Questionnaire, you wrote: "At the district bench I served with eleven judges who could hear any case for which I was recused. However, I approached each recusal consideration as though I was serving in a single-judge district where, because of our elective system, one would expect to encounter friends, acquaintances and relatives to some degree on a regular basis. This allowed me to hue to the constitutional principles and, in deciding very difficult cases, limit the number of recusals."

a. If there were multiple judges who could hear cases for which you were recused, why did you "approach[] each recusal consideration" as if that was not the case? If you could avoid "encounter[ing] friends, acquaintances, and relatives" as litigants or lawyers in your courtroom, why would you choose to, nevertheless, hear those cases when eleven other judges were prepared to stand in for you?

Response: I approached recusal as described because the people elected me to decide cases. In multi-judge districts cases are allotted randomly. Thus, if a judge refuses to hear an assigned case, that case gets added to another judge's docket. For the efficient and fair administration of dockets, cases should not be reallotted unless the Constitution or law requires it. Due process requires a fair and impartial judge. Once those criteria are met, the judge should decide the case.

7. In a 2019 debate with other candidates for the Louisiana Supreme Court, you said, "my moral and my religious beliefs require that I be pro-life."

a. Would you agree that this statement creates at least the appearance of partiality with respect to cases involving reproductive healthcare procedures like abortion?

Response: I disagree that my statement creates the appearance of partiality. Otherwise, anyone whose religion taught pro-life would be unable to hear a case involving life or death. As a judge I cannot, I have not, and I will not, allow my personal beliefs to interfere with my application of the rule of law. I believe that is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will continue to fairly and impartially apply the law to all parties who appear before me.

b. Are you currently recusing yourself from cases involving reproductive healthcare procedures, given your stated moral and religious beliefs?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will follow the precedent of the Supreme Court and the U.S Court of Appeals for the Fifth Circuit.

c. If you are confirmed, will you recuse yourself from cases involving reproductive healthcare procedures?

Response: If confirmed, I will follow the Constitution, 28 U.S.C. § 453, 28 U.S.C. § 455, and the Code of Conduct for United States Judges relative to recusals.

8. During your 2019 campaign for your seat on the Supreme Court of Louisiana, your campaign materials said that you are "pro-life," "pro-second amendment," and "blunt about [your] anti-abortion and pro-death penalty views."

a. Would you agree that these statements create at least the appearance of partiality with respect to cases involving these issues?

Response: I do not recall a statement about being "blunt," but my political statements reflected my personal views. Judges are constitutionally allowed to present their views to voters. *Republican Party of Minnesota v. White*, 536 U.S. 765; 122 S.Ct. 2528; 153 L.Ed.2d 694 (2002). Those views do not affect my ability as a judge to fairly and impartially decide the cases presented to me. If confirmed, I will follow the precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

b. Are you currently recusing yourself from cases involving the application of the Second Amendment?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will follow the precedent of the Supreme Court and the U.S Court of Appeals for the Fifth Circuit.

c. Are you currently recusing yourself from cases involving a potential sentence of death?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will follow the precedent of the Supreme Court and the U.S Court of Appeals for the Fifth Circuit.

d. If you are confirmed, will you recuse yourself from cases involving the application of the Second Amendment?

Response: If confirmed, I will follow the Constitution, 28 U.S.C. § 453, 28 U.S.C. § 455, and the Code of Conduct for United States Judges relative to recusals.

e. What about sentencing hearings where capital punishment is sought?

Response: See response to question 8d.

f. What about from hearing habeas corpus petitions from those on death row?

Response: See response to question 8d.

9. A November 2019 article in the Times-Picayune | The New Orleans Advocate referred to you as "the favored choice of big oil and other industry and statewide business groups – viewed as a sympathetic ear for an industry facing pending legal actions by coastal

parishes and landowners seeking payment for decades of alleged damage to coastal land by oil and gas companies." In *State ex rel. Tureau v. BEPCO, L.P.*, 351 So.3d 297, 317 (La. 2022), you were the lone dissenter, writing: "While citizen suits are important to enforce environmental regulations when the Commissioner fails to act, the majority incorrectly finds that a citizen suit is available to remedy *past* acts. In fact, the statute only covers current unlawful operations with continuing damage."

a. Do you believe that federal law gives adversely affected members of the public the ability to sue when an environmental law is violated, especially when the government has failed to act in response?

Response: Citizens suits seeking environmental enforcement are provided for under the Clean Water Act. My dissent in *Tureau* was largely premised on the concurrence of Justice Scalia in *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Found., Inc.*, 484 U.S. 49; 108 S.Ct. 376, 386; 98 L.Ed.2d 306 (1987) (Scalia, J., concurring), recognizing that a citizen suit could not be brought for wholly past acts. I believed the language of the act involved in *Tureau* dictated the same result as *Gwaltney*.

10. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

Response: A district court is bound to consider evidence the Supreme Court and U.S. Court of Appeals in its Circuit hold is appropriate to consider in deciding an issue.

b. What is the role of sociology, scientific evidence, and data in judicial analysis?

Response: The role of this evidence is governed by Federal Rule of Evidence 702, and, if confirmed, I will apply all relevant precedents from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

11. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has

strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

I have also been proud to support both the *First Step Act* and the *Second Chance Reauthorization Act*, which passed the Senate earlier this month. Together, these pieces of legislation advance criminal justice reform. They reflect a bipartisan commitment to public safety that works through rehabilitation and second chances rather than incarceration alone.

a. Do you believe criminal defendants deserve a chance at rehabilitation?

   Response: Rehabilitation is an important component of our criminal justice system. If confirmed, I will apply all statutory and binding jurisprudential precedent relevant to sentencing and rehabilitation opportunities and incentives, including the requirements of 18 U.S.C.A. § 3553 and the Federal Sentencing Guidelines.

b. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

   Response: Yes. I will review all relevant laws and Sentencing Guidelines provisions when approaching a sentencing.

c. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

   Response: Yes. "[T]erminat[ing] a term of supervised release" early can in certain circumstances serve "the interest of justice," which could include providing an incentive for individuals to rehabilitate. 18 U.S.C. § 3583(e)(1).

d. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

   Response: Yes. I will review all relevant laws and Sentencing Guidelines provisions when approaching a sentencing.

12. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

    Response: Article II of the Constitution vests the President with the "executive Power" and provides he "shall take Care that the Laws be faithfully executed." *See United States v. Texas,* 599 U.S. 670, 678; 143 S.Ct. 1964, 1971; 216 L.Ed.2d 624 (2023). The Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case. *Id.* This legal issue, and the remedies available in challenges to actions by the Executive Branch, are matters of ongoing legal and political dispute, and it would be inappropriate for me as a judicial nominee to comment further on the matter.

13. Is President Trump eligible to be elected President for a third term in 2028?

    Response: The Twenty-Second Amendment states: "No person shall be elected to the office of the President more than twice."

14. Who won the 2016 U.S. Presidential Election?

    Response: President Trump was certified as the winner of the 2016 presidential election.

15. Who won the 2020 U.S. Presidential Election?

    Response: President Biden was certified as the winner of the 2020 presidential election.

16. Who won the 2024 U.S. Presidential Election?

    Response: President Trump was certified as the winner of the 2024 presidential election.

17. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

    Response: The hypothetical provides insufficient information to form an opinion. It would be inappropriate for me as a judicial nominee to comment on an issue that may come before me.

18. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

    Response: The Supreme Court addressed the events of January 6, 2021 in *Trump v. Anderson*, 601 U.S. 100, 107; 144 S.Ct. 662, 665; 218 L.Ed.2d 1 (2024), and ultimately held the Colorado Supreme Court erred in removing President Trump's name from that state's ballot. Otherwise, I am not aware of any precedent defining an "insurrection".

19. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: The hypothetical provides insufficient information to form an opinion. It would be inappropriate for me as a judicial nominee to comment on an issue that may come before me.

20. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: The hypothetical provides insufficient information to form an opinion. It would be inappropriate for me as a judicial nominee to comment on an issue that may come before me.

21. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: In *Griswold v. Connecticut*, 381 U.S. 479; 85 S.Ct. 1678; 14 L.Ed.2d 510 (1965), the Supreme Court reviewed a statute prohibiting the use of any drug, medical article, or instrument for the purpose of preventing contraception and held it violated the "right to privacy" in the penumbra of rights in the Fifth and Fourteenth Amendments. If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

22. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: The "freedom to travel throughout the United States has long been recognized as a basic right under the Constitution." *United States v. Guest*, 383 U.S. 745; 86 S.Ct. 1170; 16 L.Ed.2d 239 (1966).

a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

Response: The Supreme Court has recognized: "The 'right to travel' . . . protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State." *Saenz v. Roe*, 526 U.S. 489, 500; 119 S.Ct. 1518, 1525; 143 L.Ed.2d 689 (1999). As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

23. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has recognized a constitutional right to privacy. *See*

Griswold v. Connecticut, 381 U.S. 479; 85 S.Ct. 1678; 14 L.Ed.2d 510 (1965). If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

a. Does that right extend to information about your health care and medical history?

Response: This is an issue that could come before me if confirmed as a district court judge. If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

Response: See response to Question 23a.

24. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: See response to Question 23.

25. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Supreme Court has stated "the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693; 121 S.Ct. 2491, 2500; 150 L.Ed.2d 653 (2001). In any case, there will still remain a question of what "process" is "due." If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

26. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: The Supreme Court has recognized that the original public meaning of a constitutional provision is an important inquiry when evaluating the scope of that provision. *See, e.g.*, *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). If confirmed, I would all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

27. What sources would you employ to discern the contours of a constitutional provision?

Response: I would first review binding jurisprudence from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit to determine if either court had addressed the issue. If no binding precedent exists, I would research other jurisdictions and authorities, including state and federal courts, research the history of the provision, and determine any instructive information from other provisions in the Constitution.

28. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: The constitutionality of a law or regulation should be decided based upon the text of the constitutional provisions at issue as interpreted by any binding jurisprudential precedent.

29. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: Practical consequences may be relevant in certain instances, such as the feasibility of injunctive relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (holding that to obtain a preliminary injunction, a litigant must show "that he is likely to suffer irreparable harm in the absence of preliminary relief").

30. What role, if any, should empathy play in a judge's decision-making process?

Response: A judge has a duty to be respectful and courteous to litigants. *See* Code of Judicial Conduct, Canon 3A(3). A judge also must "administer justice without respect to persons, and do equal right to the poor and to the rich." *See* 28 U.S.C.A. § 453. In rendering a decision, I confine my analysis to the applicable law and facts.

31. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's role is to apply the law to the facts of a case. A judge's life experiences helps a judge be fair and impartial, and treat litigants and attorneys with dignity, respect, and patience.

32. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: No.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: Only if I modified an earlier order. Otherwise, see response to question 32.

b. What would you do if a party refuses to comply with one of your orders?

Response: The party must explain their non-compliance. Absent a legal justification, I would consider the tools available to me under the Supreme Court and U.S. Court of Appeals for the Fifth Circuit precedent, including contempt and sanctions.

33. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: My father, Hillary J. Crain, is the second youngest judge ever elected in Louisiana. He is the most fair and ethical person I know, and I am blessed to have him as a role model.

34. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I will follow the customary practices of the U.S. District Court for the Eastern District of Louisiana for hiring law clerks.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: It is my understanding that law clerks for the judiciary are exempt from Title VII of the Civil Rights Act. As a judicial nominee, it would be inappropriate for me to comment on a legislative proposal or any matter that may come before me.

35. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: If confirmed, I will ensure implementation of all policies and procedures adopted by the Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Court for the Eastern District of Louisiana for preventing and addressing sexual harassment, discrimination, and other forms of misconduct in the workplace.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: See response to question 35.

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would comply with any and all reporting requirements adopted by the Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, and the U.S District Court for the Eastern District of Louisiana.

36. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: Opportunities to present argument to a court can help junior lawyers develop their talents to better serve their clients and, by extension, the courts. If confirmed, I would consider an order to that effect in consultation with the judges on the U.S. District Court for the Eastern District of Louisiana.

a. How else would you support the skills development of junior lawyers appearing before you?

Response: I will continue to support the development of young lawyers by offering practical advice when appropriate, presenting continuing legal education seminars, and encouraging their professional development.

37. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: The Constitution provides the President "shall have Power to grant Reprieves and Pardons for Offenses against the United States." U.S. Const. art. II, § 2. The power is exercised at the discretion of the President. As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

38. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: See response to question 37.

39. During your 2019 campaign for your seat on the Supreme Court of Louisiana, your campaign materials noted that the Louisiana Republican Party had endorsed you to "keep a conservative lean on the state's highest court." The materials also label you "the conservative choice" and the "most conservative in the race."

a. Do you think it is appropriate for a federal judge to make decisions based on his or her ideology or political leaning rather than on the merits of a particular case?

Response: No. A judge should interpret the law, not make law by infusing policy considerations to apply a law where it was not intended.

b. What would you say to a litigant with liberal views that does not think he or she would receive a fair process from you, given your campaign rhetoric promoting your conservative views?

Response: I would assure them that I will fairly and impartially hear and decide their case, and would refer them to my body of legal work accumulated over 16 years as a judge at every level of the state judiciary.

40. Canon 5 of the Code of Conduct for federal judges says that judges should refrain from all political activity. If confirmed, do you plan to discontinue any relationship you may have with the Louisiana Republican Party or other political organizations?

Response: I will comply with all canons of the Code of Conduct for United States Judges.

41. In your Senate Judiciary Questionnaire, you note that less than 1% of your legal practice has occurred in federal courts. What resources will you use to get up to speed on the rules and procedures of federal court?

Response: I tried civil jury cases to verdict in federal court during my 22 years practicing law. I was always informed on the rules and procedures of federal court. Further, the Louisiana Rules of Civil Procedure are patterned after the federal rules. It has not been uncommon during my years practicing law and as a judge for 16 years to consider the federal rules in order to interpret our state rules of procedure.

Questions for the Record for Justice William Crain
Submitted by Senator Richard Blumenthal
October 29, 2025

1. During your campaign, you were the subject of an ethics complaint which was settled by Louisiana's Judicial Campaign Oversight Committee via an "informal resolution" after you acknowledged that your behavior could be construed as violating an ethics rule. Please describe the process by which this complaint was resolved.

   Response: The complaint mentioned involved a photo of all endorsees of the Louisiana Republican Party in which a banner hung behind us with the name of the Republican candidate for governor, Eddie Rispone. It was alleged that the photo depicted my endorsement of Eddie Rispone. The allegation was baseless—I did not endorse anyone for governor. In response to the complaint, I acknowledged that the picture "could" give the impression I supported the candidate and I immediately posted on Facebook that I endorsed nobody for governor. Those actions resulted in the Committee closing the matter without finding a violation.

2. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

   Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

   a. Do you believe that there is a legal distinction between "free speech" and "hate speech"?

      Response: The Supreme Court held in *Matal v. Tam* that "[s]peech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express 'the thought that we hate.'" 582 U.S. 218 (2017) (quoting *United States v. Schwimmer*, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting)). However, I did not read or hear Attorney General Bondi's remarks so I cannot comment specifically on them.

   b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

      Response: If confirmed, to the extent the prosecution of an alleged crime may come before me as a district judge, I cannot comment on it according to the Code of Conduct for United States Judges. I will follow all precedent of the Supreme Court and the U.S. Fifth Circuit Court of Appeals concerning the First Amendment.

3. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

   Response: If confirmed, I will follow the Constitution, 28 U.S.C. § 453, 28 U.S.C. § 455, and the Code of Conduct for United States Judges relative to recusals.

   a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

      Response: See response to question 3.

   b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

      Response: See response to question 3.

   c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

      Response: See response to question 3.

4. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

   Response: Yes. If confirmed, I will comply with all canons in the Code of Conduct for United States Judges and adhere to all ethical rules and obligations that apply to federal judges.

   d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

      Response: See response to question 4.

   e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

      Response: See response to question 4.

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: See response to question 4.

5. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: Yes. If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct, and file all required reports.

g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: See response to question 4.

h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: See response to question 4.

i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: See response to question 4.

6. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: The contempt power of federal courts is well established. *See* 18 U.S.C. § 401. If confirmed, I will follow Supreme Court precedent recognizing that power and cautioning against its abuse. *See Bloom v. State of Ill.*, 391 U.S. 194, 204 (1968).

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: See response to question 6a.

7. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

a. If confirmed, would you have the ability to issue orders?

Response: Yes.

i. Would you have the ability to enforce those orders?

Response: Yes.

ii. What powers would you have to enforce those orders?

Response: Orders can be enforced through numerous procedural methods, including contempt and sanctions.

b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Each case must be decided based on its specific facts, but generally a party must seek a stay of a judgment to suspend its enforcement. *See* Fed. Rules Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8. Certain exceptions may apply for particular orders, and, more broadly, judgments issued by a court without jurisdiction are regarded as nullities. *See In re Sawyer*, 124 U.S. 200, 220; 8 S.Ct. 482, 493; 31 L.Ed. 402 (1888); *Elliott v. Peirsol's Lessee*, 26 U.S. 328, 340; 7 L.Ed. 164 (1828).

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: See response to question 7b.

d. What would make a court order unlawful?

Response: See response to question 7b.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: See response to question 7b.

ii. Is it ever acceptable to not follow this process? When and why?

Response: See response to question 7b.

7. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for William J. Crain

1. While campaigning for the Louisiana Supreme Court in 2019, you spoke about your personal ideology and religious beliefs. For example, you stated, "My moral and religious beliefs require that I be pro-life." **If a case concerning reproductive rights comes before you as a district court judge, will you recuse yourself in light of your public statement about these strongly held moral and religious beliefs, which could reasonably cause a litigant to question your impartiality?**

   Response: Membership on the Louisiana Supreme Court involves partisan elections. The Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765, 122 S.Ct. 2528, 153 L.Ed.2d 694 (2002) held that candidates for judge have the First Amendment right to express their personal political views as part of the election process. My personal political views do not affect the manner in which I apply the law to the facts before me as a judge. I believe that is reflected in the over 500 opinions I have authored as a judge over the last 16 years.

2. If confirmed to be a federal judge, you will take an oath to uphold the constitution. **In doing so, you must base your judicial decisions on the law, not on your personally held beliefs, correct?**

   Response: Yes.

3. **What statute controls how federal judges impose sentences in every criminal case?**

   Response: 18 U.S.C. § 3553. Federal judges are also guided by the Federal Sentencing Guidelines.

4. In the past, you've stated that you are "pro-death penalty" and that the death penalty should be implemented in an "efficient manner." **Please explain or elaborate on what you meant by this statement.**

   Response: I have observed death penalty cases delayed for 20 plus years in the appeal process. At that point, the deterrent effect of the penalty may be decreased, the victims' families feel justice is often denied due to the delays, and the community conscience loses context for the sentence. I believe that executing sentences should not be delayed to that extent. Of course, the paramount interest is that the sentence be correct. If it takes 20 years to validate a death sentence, reform may be appropriate to sooner assure the accuracy of the conviction and sentence in death penalty cases. Nevertheless, I will not allow my personal views to interfere with my fair and impartial application of the law. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Fifth Circuit Court of Appeals.

5. While campaigning for the Louisiana Supreme Court, you ran on a political platform. You advertised yourself as being "pro-life," "pro-second amendment," and "pro-death penalty." **Are you also pro-civil rights?**

   Response: Yes.

6. **Will your personal political beliefs or partisan affiliations influence your decisions on the federal bench? If your answer is "no", how will you ensure your personally held beliefs will not influence your judicial decision making?**

   Response: No. I have been elected as judge once at each level of the Louisiana state judiciary. Membership on the Louisiana Supreme Court involves partisan elections. The Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), held that candidates for judge have the First Amendment right to express their personal political views as part of the election process. My personal political views do not affect the manner in which I apply the law to the facts before me as a judge. I believe that is reflected in the over 500 opinions I have authored as a judge over the last 16 years.

7. **Do you believe *Brown v. Board of Education* was correctly decided?**

   Response: Yes.
   As a sitting judge, all of the Supreme Court's pronouncements are binding on me, and under the Code of Conduct for United States Judges, I have a duty to refrain from critiquing the law that governs my decisions, because doing so creates the impression that the judge would have difficulty applying binding law to their own rulings. Consistent with the positions taken by other pending judicial nominees, as a general matter, it would be inappropriate for me to comment on the merits or demerits of the Supreme Court's binding precedents.

   Brown v. Board of Education and *Loving v. Virginia* are two of three exceptions to the general principle that a nominee should not comment on the Supreme Court's precedents. *Brown* warrants this special status because that decision overruled the manifest injustice of *Plessy v. Ferguson*. *Brown*'s core holding—that "separate but equal" violates the Equal Protection Clause of the Fourteenth Amendment—is beyond dispute, and *Loving* follows directly from *Brown*. Thus, judges and nominees can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. Therefore, just as other nominees for judicial office and other sitting federal judges have done, I can confirm that *Brown* and *Loving* were rightly decided without calling into question my duties under the Code of Conduct for United States Judges.

8. **Do you believe *Loving v. Virginia* was correctly decided?**

   Response: Yes. Please see my response to Question 7.

9. **Do you believe *Griswold v. Connecticut* was correctly decided?**

   Response: Please see my response to Question 7.

10. **Do you believe *Obergefell v. Hodges* was correctly decided?**

    Response: See my response to Question 7.

11. **If you answered "yes" to any of the above questions (7-10) but did not similarly answer any others, explain how you determined you could answer some questions and not others. If you have declined to answer on the basis that the issue may come before you (or another court), identify the case(s) currently pending in the federal courts that raise this issue. If you cannot identify any such cases, explain your basis for declining to answer the question(s).**

    Response: See my response to Question 7. Numerous other nominees have also concluded that this is consistent with the Code of Conduct.[1]

12. While running for your seat on the Louisiana Supreme Court in 2019, Koch Industries, Chevron, and the Louisiana Oil and Gas Association all donated to your campaign. In 2022, the Louisiana Supreme Court heard a case called *State ex rel. Tureau v. BEPCO* (2022). **Why did you not recuse yourself from this case given the fact that you received campaign donations from the oil industry?**

    Response: Membership on the Louisiana Supreme Court involves partisan elections. However, judicial candidates are prohibited from soliciting funds. Funds must be paid to a campaign committee, which is intended to inoculate candidates. Campaign contributions have not affected my fair and impartial application of the law. Generally, campaign contributions are not an independent ground for recusal. *See Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868 (2009). If confirmed, I will follow all applicable precedent from the Supreme Court and the U.S. Fifth Circuit Court of Appeals.

13. **Prior to or during your 2019 campaign, did you ever meet with any executive or employee from Koch Industries, Chevron, and the Louisiana Oil and Gas Association or political action committees associated with any of these entities?** If so, explain in detail.

    Response: I do not recall meeting with anyone with Koch Industries or Chevron. I met with an executive of the Louisiana Oil and Gas Association to introduce myself and seek their support for my Louisiana Supreme Court candidacy.

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[1] *See, e.g.*, Judge Ketanji Brown Jackson, Responses to Questions for the Record, at 19, 62, available at https://www.judiciary.senate.gov/imo/media/doc/Brown%20Jackson%20Responses1.pdf.

Nomination of William J. Crain
United States District Court for the Eastern District of Louisiana
Questions for the Record
Submitted October 29, 2025

QUESTIONS FROM SENATOR BOOKER

1. You have run campaign ads declaring that you are pro-Second Amendment and pro-life.

   a. Do those personal views influence your approach to deciding cases involving gun rights or reproductive issues? If not, please explain how.

   Response: Membership on the Louisiana Supreme Court involves partisan elections. The Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002) held that candidates for judge have the First Amendment right to express their personal political views as part of the election process. My personal political views do not affect the manner in which I apply the law to the facts before me as a judge. I believe that is reflected in the over 500 cases I have authored as a judge over the last 16 years.

2. You have frequently dissented in favor of harsher criminal sentences, including in *State v. Kennon* and *State v. Mangrum*.[1]

   a. In your view, what is the purpose of sentencing?

   Response: Sentencing involves applying the legislatively enacted penalty to the crime for which a particular defendant is convicted. The Sentencing Guidelines recognize four primary purposes of sentencing—retribution, deterrence, incapacitation, and rehabilitation. If I were confirmed, I would be guided by 18 U.S.C. § 3553 and the Sentencing Guidelines when issuing sentencing decisions.

   b. Is your support of harsher criminal sentences absolute? Do you believe there may be cases where harsher criminal sentences would not serve the public interest or reduce criminality?

   Response: I do not support "harsher" criminal sentences. In sentencing, I will apply 18 U.S.C. § 3553 and the Federal Sentencing Guidelines. I support fair sentencing considering the factors required by law to be considered.

3. In *State v. Pierce*, you dissented from a ruling striking down a 66-year mandatory minimum sentence as unconstitutionally excessive.[2]

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[1] *See State v. Kennon*, 2019-00998 (La. 9/1/20), 340 So.3d 881, 894 (Crain, J., dissenting); *State v. Mangrum*, 23-01609 (La. 10/25/24), 395 So.3d 765, 771 (Crain, J., dissenting).
[2] *State v. Pierce*, 2022-01743 (La. 5/2/23), 359 So.3d 1269, 1270 (Crain, J., dissenting).

a. If you are confirmed, what consideration would you apply to mitigating factors such as age, addiction, or family hardship when determining whether a sentence is fair and proportionate under the Eighth Amendment?

Response: In reaching a fair sentence, I will apply the factors set forth in 18 U.S.C. § 3553 and the Federal Sentencing Guidelines. I will consider all mitigating and aggravating factors required by law.

4. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[3]

a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

Response: Having never been through the judicial nominee process, I am not familiar with the ABA's past practices in this regard.

5. How would you characterize your judicial philosophy?

Response: My judicial philosophy is to apply the law as written to the facts before me, regardless of whether I agree with it. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

6. What do you understand originalism to mean?

Response: I understand originalism to be an interpretative approach to laws that relies on the drafters' original understanding of the text. *See* Antonin Scalia, *Originalism: The Lesser Evil*, 57 U. Cin. L. Rev. 849, 856 (1989). "Properly done, the task requires the consideration of an enormous mass of material—in the case of the Constitution and its Amendments, for example, to mention only one element, the records of the ratifying debates in all the states." *Id.*

[3] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

7. Do you consider yourself an originalist?

   Response: In interpreting the Constitution, I would employ methodologies consistent with the methods of interpretation that the Supreme Court employs when it undertakes to interpret constitutional provisions. The Supreme Court has routinely interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570 (2008).

8. What do you understand textualism to mean?

   Response: I understand textualism to be an interpretative approach that focuses on the law's text as the best evidence of the drafters' intent. *See* John F. Manning, *Textualism and the Equity of the Statute*, 101 Colum. L. Rev. 1, 7 (2001). Under a textualist approach, "when a statutory text is clear, that is the end of the matter." *Id.*

9. Do you consider yourself a textualist?

   Response: If the text of a law is clear and unambiguous, I apply the law as written. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

10. Please provide an example of a federal judge, or judges, whose jurisprudence you most agree with. Why?

    Response: Offering examples of judges whose rulings I approve of would be tantamount to taking a position on the merits of past decisions, which the canons preclude. If confirmed as a district judge, I will faithfully apply all binding precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

11. What is your view of stare decisis?

    Response: *Stare decisis* recognizes that adherence to judicial precedent "promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." *Payne v. Tennessee*, 501 U.S. 808, 827; 111 S.Ct. 2597, 2609; 115 L.Ed.2d 720 (1991). If confirmed, I will follow all applicable precedent of the Supreme Court at the U.S. Court of Appeals for the Fifth Circuit.

12. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

    a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: I will consider legislative history if a statutory text is vague or ambiguous. However, the views of one legislator do not necessarily determine the meaning intended by all legislators, so care must be exercised in relying on legislative history. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Fifth Circuit Court of Appeals.

b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: See response to Question 12(a).

13. According to an academic study, Black men were 65 percent more likely than similarly situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[4]

a. What do you attribute this to?

Response: I am not familiar with this study and cannot comment on it. If confirmed, I will apply the law fairly and impartially to all parties who come before me, regardless of race.

b. Do you believe the law should address the effects of disparate impact?

Response: As a judicial nominee, it is not appropriate for me to express an opinion on how Congress should address disparate treatment in any context. If confirmed, I will apply the law fairly and impartially to all parties who come before me, regardless of race.

14. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[5]

a. What do you attribute this to?

Response: I am not familiar with this study and cannot comment on it. If confirmed, I will apply the law fairly and impartially to all parties who come before me, regardless of race.

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[4] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

[5] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

15. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: The decision to prosecute may not be based on "an unjustifiable standard such as race, religion, or other arbitrary classification." *United States v. Armstrong*, 517 U.S. 456, 464; 116 S.Ct. 1480, 1486; 134 L.Ed.2d 687 (1996). Federal law mandates that courts should "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." *See* 18 U.S.C. § 3553(a). If confirmed, I will apply the law fairly and impartially to all parties, regardless of race.

16. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: Demographic diversity is important. I believe no one should be excluded from the judicial branch or elsewhere based on race, ethnicity, sex, religion, or any other protected characteristic.

17. Do you believe demographic diversity is an important goal in the legal profession? Why or why not.

Response: See response to question 16.

18. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

a. Abortion
b. Affirmative action
c. Contraceptives or birth control
d. Gender-affirming care
e. Firearms
f. Immigration
g. Same-sex marriage
h. Miscegenation
i. Participation of transgender people in sports
j. Service of transgender people in the U.S. military
k. Racial discrimination
l. Sex discrimination
m. Religious discrimination

n. Disability discrimination
o. Climate change or environmental disasters
p. "DEI" or Diversity Equity and Inclusion

Response: I have no personal recollection of publishing written material or making public statements about the identified topics, but may have during my three campaigns for judgeships. For a full list of my written materials and speeches, please refer to my responses in the Senate Judiciary Questionnaire submitted with my nomination.

19. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: Parties must honor federal court orders. Generally, a stay of a judgment is required to suspend its enforcement. *See* Fed. Rules Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8. Certain exceptions may apply for particular orders, and, more broadly, judgments issued by a court without jurisdiction are regarded as nullities. *See In re Sawyer*, 124 U.S. 200, 220; 8 S.Ct. 482, 493; 31 L.Ed. 402 (1888); *Elliott v. Peirsol's Lessee*, 26 U.S. 328, 340; 7 L.Ed. 164 (1828).

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: If a party refuses to comply with a court order, I would consider the tools available to me under precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit, including contempt and sanctions.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: See response to question 19.

20. Does the president have the power to ignore or nullify laws passed by Congress?

Response: Generally, the Executive Branch is required to execute the laws passed by the Legislative Branch. The President is vested with the authority to veto legislation passed by Congress. *See* Const., art. I, § 7, cl. 2. "Under Article II, the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). At the same time, the Constitution requires the president to "take Care that the Laws be faithfully executed." Art. II, § 3. As a judicial nominee, it would be inappropriate to comment further on an issue regarding ongoing or potential litigation.

21. Does the president have the power to withhold funds appropriated by Congress?

Response: Generally, use of Congressional appropriations is governed by The Impoundment Control Act, 2 U.S.C. §681, *et seq*. As a judicial nominee, it would be inappropriate to comment further on an issue regarding ongoing or potential litigation .

22. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: Generally, Article 6 of Title VII of the Civil Rights Act of 1964 prohibits discrimination in programs or activities that receive federal financial assistance. As a judicial nominee, it would be inappropriate to comment further on an issue regarding ongoing or potential litigation.

23. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: Yes. The Supremacy Clause establishes that federal laws supersede any conflicting state laws.

24. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Fifth Amendment provides: "No person shall be . . . be deprived of life, liberty, or property, without due process of law." The Supreme Court has stated "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693; 121 S.Ct. 2491, 2500; 150 L.Ed.2d 653 (2001). If confirmed, I will follow all precedent of the Supreme Court and the United States Court of Appeals for the Fifth Circuit.

25. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: Recent Supreme Court precedent holds "Congress may vest discretion in executive agencies to implement and apply the laws it has enacted." *Fed. Commc'ns Comm'n v. Consumers' Research*, 145 S.Ct. 2482, 2491; 222 L.Ed.2d 800 (2025). Congress must provide sufficient standards to enable both the courts and the public to ascertain whether the agency has followed the law. *Id.*

26. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes. As a sitting judge, all of the Supreme Court's pronouncements are binding on me, and under the Code of Conduct for United States Judges, I have a duty to refrain from critiquing the law that governs my decisions, because doing so creates the impression that I would have difficulty applying binding law to their own rulings. Consistent with the positions taken by other pending judicial nominees, as a general matter, it would be inappropriate for me to comment on the merits or demerits of the Supreme Court's binding precedents.

Brown v. Board of Education and *Loving v. Virginia* are two of three exceptions to the general principle that a nominee should not comment on the Supreme Court's precedents. *Brown* warrants this special status because that decision overruled the manifest injustice of *Plessy v. Ferguson*. *Brown*'s core holding—that "separate but equal" violates the Equal Protection Clause of the Fourteenth Amendment—is beyond dispute, and *Loving* follows directly from *Brown*. Thus, judges and nominees can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. Therefore, just as other nominees for judicial office and other sitting federal judges have done, I can confirm that *Brown* was rightly decided without calling into question my duties under the Code of Conduct for United States Judges.

27. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

    Response: Yes. The case involved a constitutional challenge to a criminal statute prohibiting the use of any drug, medical article, or instrument for the purpose of preventing contraception. The Supreme Court held the law violated the "right to privacy" in the penumbra of rights in the Fifth and Fourteenth Amendments.

28. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

    Response: Yes. The case involved a constitutional challenge to a criminal statute prohibiting persons of the same sex engaging in sexual conduct. The Supreme Court held the statute violated the right of liberty under the Due Process Clause in the Fifth and Fourteenth Amendments.

29. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

    Response: Yes. The case involved a constitutional challenge to a law that defined marriage as a union between one man and one woman. The Supreme Court held the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, couples of the same-sex may not be deprived of that right and that liberty.

30. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

    Response: Certification of vote by state electors determines who prevailed in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Using that process, President Biden was certified as the winner of the 2020 election.

    a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: See response to question 30.

b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: See response to question 30.

31. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[6]

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified as the winner of the 2016 election.

b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: See response to question 31(a).

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified as the winner of the 2024 election.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: See response to question 31(c).

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The Twenty-Second Amendment states "No person shall be elected to the office of the President more than twice."

32. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: In preparing for my Senate Judiciary Committee hearing, we generally discussed nominees' previous responses to various questions posed by Committee members. My responses are consistent with the judicial canons, and I have relied on the interpretations and practices of preceding nominees.

33. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

[6] U.S. CONST. amend. XXII.

Response: No.

34. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

36. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

37. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

38. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

39. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

40. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

41. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

42. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson
    e. Thomas Caldwell
    f. Jessica Watkins
    g. Roberto Minuta
    h. Edward Vallejo
    i. David Moerschel
    j. Joseph Hackett
    k. Ethan Nordean
    l. Joseph Biggs
    m. Zachary Rehl
    n. Dominic Pezzola
    o. Jeremy Bertino
    p. Julian Khater

    Response: No.

43. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

    Response: No.

44. 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, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

       Response: I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

45. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes. If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct, and file all required reports.

46. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[7]

    a. Do you agree with the above statement?

        Response: I am not familiar with the statement or the context in which it was made, so I cannot comment on it beyond saying that I do not believe all Democrats are Marxists who hate America or believe in censorship.

    b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

        Response: No.

    c. Are you currently in contact with anyone associated with A3P? If so, who?

        Response: No.

    d. Have you ever been in contact with anyone associated with A3P? If so, who?

        Response: No, not that I am aware of.

47. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

    Response: No. Personnel with the Department of Justice Office of Legal Policy provided general guidance on completing the Senate Judiciary Questionnaire. I made all decisions about the responses, including what cases to list.

    a. If so, who? What advice did they give?

        Response: See response to question 47.

    b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

[7] https://www.article3project.org/about

Response: See response to question 47.

48. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

49. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

50. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I personally read each question and, with assistance from my staff, prepared each response. I then received feedback from members of the Office of Legal Policy at the Department of Justice, finalized my answers, and authorized them to be submitted to the Senate Judiciary Committee. The answers here are my own.

Questions for the Record
William J. Crain – nominee to be United States District Judge for the Eastern District of Louisiana
Sen. Adam Schiff (CA)

1. What is your opinion on the role of transparency in judicial decision making?

   Response: I am not familiar with a defined or recognized term "transparency in judicial decision making." Transparency in judicial decision-making is accomplished in several ways. As a trial judge I issued reasons, either oral or written, explaining factual findings, the applicable law, analysis, and reasoning in support of my decision. Most court proceedings are open to the public, and a stenographer or other court official makes a contemporaneous record of all communications in open court. Judicial canons and attorney ethics bar *ex parte* communications about a case between a party and the court without all parties present. These and other measures provide transparency to judicial decision-making and are critical to preserving public confidence in the judicial system.

2. Reports state you received donations to your Louisiana Supreme Court bid from Koch Industries, ExxonMobil, and Chevron, among several other oil and gas companies.

   a. Have you spoken to lobbyists, executives, or other officials from any of the following companies since the beginning of your nomination process: Koch Industries; ExxonMobil; Chevron; Houston Energy LP; Helis Oil & Gas Company; The Dow Chemical Company; Badger Oil Corporation; Hornbeck Offshore Operators; or Lavigne Oil Company?

      Response: No.

      i. If so, what was the nature of these discussions and when, approximately, did they occur?

   b. The oil and gas industry routinely appears before courts in Louisiana. Do you plan to recuse yourself from matters involving companies that have donated to your campaign?

      Response: Membership on the Louisiana Supreme Court involves partisan elections. However, judicial candidates are prohibited from soliciting funds. Funds must be paid to a campaign committee, which is intended to inoculate candidates. Campaign contributions have not affected my fair and impartial application of the law. Generally, campaign contributions are not an independent ground for recusal. *See Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868; 129 S.Ct. 2252; 173 L.Ed.2d 1208 (2009). If confirmed, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

Will you commit to exercising impartiality in all of your decisionmaking regarding the oil and gas industry?

Response: Yes.

3. To the best of your knowledge, what is the unitary executive theory? Do you subscribe to the theory?

Response: The phrase "unitary executive theory" is sometimes used to describe the premise that the drafters of the Constitution believed the executive branch, unlike the other branches, should be led by a single decision-maker, vested with authority over the executive branch but personally accountable to the people through nation-wide elections. As described by the Supreme Court:

> [The Framers] chose not to bog the Executive down with the "habitual feebleness and dilatoriness" that comes with a "diversity of views and opinions." *Id.*, at 476. Instead, they gave the Executive the "[d]ecision, activity, secrecy, and dispatch" that "characterise the proceedings of one man." *Id.*, at 472.
>
> To justify and check *that* authority—unique in our constitutional structure—the Framers made the President the most democratic and politically accountable official in Government. Only the President (along with the Vice President) is elected by the entire Nation. And the President's political accountability is enhanced by the solitary nature of the Executive Branch, which provides "a single object for the jealousy and watchfulness of the people." *Id.,* at 479. . . .
>
> The resulting constitutional strategy is straightforward: divide power everywhere except for the Presidency, and render the President directly accountable to the people through regular elections. In that scheme, individual executive officials will still wield significant authority, but that authority remains subject to the ongoing supervision and control of the elected President. Through the President's oversight, "the chain of dependence [is] preserved," so that "the lowest officers, the middle grade, and the highest" all "depend, as they ought, on the President, and the President on the community." 1 Annals of Cong. 499 (J. Madison).

Seila Law LLC v. Consumer Fin. Prot. Bureau, 591 U.S. 197, 223-24; 140 S.Ct. 2183, 2203; 207 L.Ed.2d 494 (2020) (quoting The Federalist No. 70 and 1 Annals of Cong. 499 (J. Madison).

I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

4. Do you believe the Constitution is a living document?

Response: The meaning and import of the phrase "living Constitution" are the subject of much debate. My judicial philosophy is to apply the law as written, regardless of whether I agree with it. If confirmed, I will follow all binding precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it would be inappropriate for me to further comment on the matter.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

   Andrew Tysen Duva

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

   Assistant Attorney General – DOJ Criminal Division

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

   United States Attorney's Office Middle District of Florida (Jacksonville Division) – 300 North Hogan Street, Ste. 7-100, Jacksonville, Florida 32202

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

   April 19, 1976 (Gainesville, Florida)

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

   University of Florida Levin College of Law, August 1999 – May 2002 (I received my Juris Doctor in May 2002)

   University of North Florida, August 1995 – May 1999 (I graduated from UNF with a Bachelor's Degree in Political Science)

   University of Florida, August 1994 – May 1995. I transferred to UNF after my first year in college at UF.

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 United States Attorney - United States Attorney's Office, Middle District of Florida (August 20, 2007 – Present) – The Jacksonville Division is located at the United States Courthouse located at 300 North Hogan Street, Ste. 7-100, Jacksonville, Florida 32202

Law Clerk to the Honorable Timothy J. Corrigan, United States District Judge Middle District of Florida (Jacksonville Division) (August 2005 – August 2007) – Chambers is located at the United States Courthouse located at 300 North Hogan Street, Ste. 11-100, Jacksonville, Florida 32202

Associate Attorney – Holland & Knight, LLP – (December 2003 – August 2005) – The Jacksonville Office of Holland & Knight is located at 50 North Laura Street, Suite 3900, Jacksonville, Florida 32202. I was an associate in the North Florida Litigation Group and worked on commercial litigation cases at the associate attorney level.

Associate Attorney – Coffman, Coleman, Andrews, & Grogan – (May 2002 – December 2003). Coffman Coleman (now defunct law firm) was located at 800 West Monroe Street, Jacksonville, Florida 32202. I performed associate attorney work on Labor and Employment matters representing management.

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 never served in the military. I 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.

   2009 – Homeland Security Office of Inspector General – Certificate of Appreciation for Case Work in the area of FEMA fraud.

   2010 – United States Attorney's Office, Middle District of Florida – Outstanding Investigation of the Year for Drug Trafficking Investigation in Ocala and Jacksonville Divisions.

   2012 – Department of Homeland Security (ICE) – Executive Director's Award for Outstanding Contraband Smuggling Case in the Middle District of Florida.

2013 – Drug Enforcement Administration – Certificate of Appreciation from Special Agent in Charge for Outstanding Contributions in Drug Law Enforcement in the Middle District of Florida.

2015 – United States Secret Service – Certificate of Appreciation from Director of Secret Service for Outstanding Contributions in Secret Service Cases.

2018 – IRS Excellence Award – recognizing excellence in tax and financial investigations and cases.

2019 - United States Attorney's Office, Middle District of Florida – Outstanding Economic Crime investigation for Fraud/Public Corruption case in Jacksonville Division.

2025 – Federal Bureau of Investigation – Certificate of Appreciation from the Director for Outstanding Performance in a Public Corruption and Fraud Prosecution.

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.

   Member of The Florida Bar.

   Admitted to practice in the United States District Court, Middle District of Florida.

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.

       I was admitted to the Florida Bar on October 10, 2002. I have had no lapses in membership.

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

       I have been a member of the United States District Court, Middle District of Florida since April 24, 2003.

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.

Federal Bar Association – Jacksonville Chapter – 2003 – Present.

- Held Board Positions from 2005 through 2008, including President in 2008

Chester Bedell Inn of Court (Jacksonville Chapter) – August 2011 – August 2014

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

No.

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.

None.

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

None.

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

None.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions.

Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

None.

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.

March 15, 2024 - After a guilty verdict in the case of United States v. Aaron Zahn, Case No. 3:22-cr-23-BJD-MCR (listed in the Addendum in response to question 15), as the lead prosecutor, I made comments on the Courthouse steps to the media. Those were reported in several news outlets in Jacksonville, Florida, including the Florida Times Union, Channel 4, and First Coast News. Much of the transmission was live. I made comments about the case. I did not have anything prepared in writing. Please see the link below to the video that captures my comments.

https://www.youtube.com/watch?v=J4V9whqAGlI

July 30, 2024 – I did the same at the conclusion of the sentencing hearing. It was a similar scenario with similar local coverage. I made comments about the sentencing hearing process. I did not have anything prepared in writing. Please see the link below to the video that captures my comments.

https://www.youtube.com/watch?v=KC_BtxuSNos

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.

None.

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

None.

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

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

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

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

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

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.

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.

b. Describe:

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

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

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

i. Indicate the percentage of your practice in:

1. federal courts:
2. state courts of record:
3. other courts:
4. administrative agencies:

ii. Indicate the percentage of your practice in:

1. civil proceedings:
2. 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.

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

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.

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.

See Addendum.

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.)

None.

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

None.

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

No.

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

Calendar Year 2024:

- Andrew Tysen Duva Salary at United States Attorney's Office (Base + Locality Pay) – $191,800.
- Spouse - Annuity Retirement pay from the Federal Employee Retirements System – $67,905.24 (less payments of $20,000 to former spouse).
- Spouse – Annuity Retirement pay from Former Spouse - $19,935.48.

- Distribution from Spouse Thrift Savings Plan (TSP) - $60,000

Current Year 2025 (Year To Date – August 11, 2025):

- Andrew Tysen Duva Salary at United States Attorney's Office – $193,394. To date, I have received $103,790.40.
- Spouse Retirement pay from the Federal Employee Retirements System – $38,259.68 (less payments of $13,440 to former spouse).
- Spouse – Annuity Retirement pay from Former Spouse - $13,509.36.
- Distribution from Spouse Thrift Savings Plan (TSP) to Date - $42,500.

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

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.

    Not applicable.

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

    As a government lawyer since August 2005, I have been prohibited by statute from performing official legal pro bono work.

    From 2017 through 2018, I volunteered on a monthly basis in a class at Robert E. Lee High School which was named the EVAC program (the word "Cave" spelled backwards). The class involved disadvantaged youth of all races and related to youth in

inner city Jacksonville, their interactions with law enforcement and authority figures, exposure to societal ills such as drugs and violence, and how to navigate obtaining opportunities in school and progressing to college. This group ultimately took a funded trip to Washington, D.C., and met with Members of Congress.

This experience involved personal mentoring relationships with students, and one particular personal relationship with a student who has since experienced an incredible life outcome to date.

On October 13, 2017, I participated in the Jacksonville Urban League Community-Wide Crime Prevention Day (Unity – A Bridge To Success) at Florida State College at Jacksonville. This event focused on community and police relations with Jacksonville youth. I was responsible for a table sponsored by the United States Attorney's Office (Middle Florida) and spoke with students about the work and functions of the United States Attorney's Office.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for A. Tysen Duva
Nominee to be Assistant Attorney General for the Criminal Division
October 29, 2025

1. The most important criminal justice reform legislation in a generation was the *First Step Act of 2018*. I was proud to lead this bipartisan legislation with Chair Grassley and numerous colleagues from both sides of the aisle. We have made great strides in bolstering public safety through the *First Step Act*. But our work is not done. And as I have said many times before, the *First Step Act* was intended to be just that—a first step.

Will you commit, if confirmed, to working in partnership with other relevant DOJ components and U.S. Attorneys' Offices to ensure that the Department is fully implementing the *First Step Act*?

RESPONSE: Yes.

2. If confirmed to lead the Criminal Division, you will be tasked with the enormous responsibility of prosecuting corporate wrongdoing.

a. Will you commit, if confirmed, to maintaining the Department's longstanding commitment to prioritizing the investigation and prosecution of white collar crimes, regardless of defendants' political beliefs?

RESPONSE: Yes. I am committed to prioritizing the investigation and prosecution of white-collar crime consistent with law, and Department policies and priorities. A defendant's political beliefs will have no bearing on Criminal Division enforcement decisions.

At my urging, the Justice Department established and published a comprehensive database of federal corporate criminal enforcement actions on the Department's website to improve transparency and accountability.

b. Will you commit, if confirmed, to ensuring that this program continues and remains accessible to the American people?

RESPONSE: Under my leadership, the Criminal Division will continue to support the Corporate Crime Database. Which is available at https://www.justice.gov/corporate-crime/corporate-crime-case-database.

3. If confirmed, you will be responsible for overseeing the Criminal Division's Human Rights and Special Prosecutions Section's efforts to counter human trafficking rings.

a. As a federal prosecutor, how do you believe the Trump Administration's personnel cuts and redirection of priorities will impact human trafficking prosecutions?

RESPONSE: I will fully support and dedicate resources to the Human Rights and Special Prosecutions Section, which plays a critical role in the Department's efforts to combat cartels, transnational criminal organizations, and alien smuggling investigations.

The 2026 Trump Administration budget proposes transferring the Civil Rights Division's Human Trafficking Prosecutions Unit (HTPU) to the Criminal Division and consolidate HTPU with the Criminal Division's Human Rights and Special Prosecution Section. This reflects a misconception that human trafficking and human smuggling are synonymous or similar crimes. Based on DOJ's data, most human trafficking crimes are purely domestic, with no link to any smuggling, cartels, transnational criminal organizations, immigration, foreign nationals, or cross-border movement.

b. How will the Criminal Division ensure that combining two separate enforcement programs each targeting distinct criminal threats does not undermine the Department's specialized anti-trafficking enforcement efforts or its protection of U.S. victims from domestic forced labor and sex trafficking threats?

RESPONSE: I will fully support and dedicate resources to the Human Rights and Special Prosecutions Section, which plays a critical role in the Department's efforts to combat cartels and transnational criminal organizations. I will work with the Criminal Division and Section leadership to ensure that resources are dedicated to the various criminal threats to our most vulnerable citizens, including efforts to combat both human trafficking and human smuggling.

4. Please describe your selection process to be nominated for Assistant Attorney General for the Criminal Division.

RESPONSE: I was interviewed generally regarding leadership positions in the Justice Department, including the position of United States Attorney for the Middle District of Florida. During the interview process, the Administration decided I would be a better fit as the Assistant Attorney General of the Criminal Division. I am not privy as to how that decision was made.

a. Did you have any meetings with President Trump to discuss your nomination for the position to which you are currently nominated and/or any other position?

RESPONSE: Yes. I had one meeting on April 28, 2025. That meeting was not specifically about the position for which I was nominated.

b. If yes, who else was present during the meeting(s) and what was discussed?

RESPONSE: Various officials of the Trump Administration.

5. Please describe your relationship with White House Chief of Staff, Susie Wiles.

RESPONSE: The relationship was/is purely professional in nature. I met Ms. Wiles during a public corruption/fraud investigation in 2016, during which she was a witness. We interacted on multiple occasions during interviews. Ms. Wiles testified during that trial. A similar course of action occurred in another public corruption/fraud investigation in 2020-2021. Ms. Wiles was not called as a witness in that trial. My surmise is that Ms. Wiles evaluated how I handled those situations and developed a viewpoint of my competence and ability.

6. Prior Justice Department charging guidance gave federal prosecutors discretion not to charge offenses carrying inflexible mandatory minimum penalties for nonviolent, low-level drug cases, which allowed prosecutors to determine the appropriate charge on a case-by-case basis based on the defendant's individualized circumstances. However, on February 5, the first day after she was confirmed, Attorney General Bondi rescinded this charging guidance and issued a memorandum to federal prosecutors directing, among other things, that "the most serious, readily provable offense" should generally be charged in criminal cases and discouraging the dismissal or reduction of charges to achieve a plea bargain. Additionally, the guidance specifically calls for the use of "all available criminal statutes to combat the flood of illegal immigration that took place over the last four years" and directs the investigation of state and local actors that resist immigration-related requests.

If confirmed, how will you plan to ensure that these updated DOJ charging policies advance principles of fairness, rehabilitation, and recidivism reduction to improve public safety?

RESPONSE: Under my leadership, the Criminal Division will follow the applicable Department charging and plea agreement policies. These are general policies and guidelines. If there are extenuating circumstances in particular cases, the Criminal Division will evaluate those under the rubric of those policies. Seeking lawful dispositions and sentences of offenders furthers public safety, and the sentences imposed (pursuant to 18 U.S.C. § 3553 and the United States Sentencing Guidelines) should further the aims of specific and general deterrence. A significant goal of sentencing and supervised release is to reduce recidivism and provide offenders with the best possible chance to rehabilitate and live productive, law-abiding lives.

7. In an October 24, 2025 letter to the Committee, you "clarified" the part of your October 22, 2025 testimony to the Committee on the Justice Department's "contacts policy" with

the White House regarding communications about criminal cases. In your letter, you noted that "[t]he policy titled, 'Communications with the White House' has not been rescinded" and that, "if confirmed, [you] will follow all applicable Department policies."

a. **What is your understanding of the Justice Department's current guidance on communications with the White House with regards to initiating investigations and/or pending or current investigations or prosecutions?**

RESPONSE: The policy titled, "Communications with the White House" has not been rescinded and is publicly available in Section 1-8.600 of the Justice Manual. If confirmed, I will follow all applicable Department policies.

b. **What is your understanding of the White House's current guidance on communications with the Justice Department with regards to initiating investigations and/or pending or current investigations or prosecutions?**

RESPONSE: As an employee of the Department of Justice, I will follow all applicable Department policies regarding communications with the White House.

c. **Is the Justice Department's current guidance consistent and in alignment with the White House's current guidance on communications with the Justice Department?**

RESPONSE: Please see my response to Question 7.b.

d. **If not, can you identify the potential conflicts between these policies and describe how you plan on "follow[ing] all applicable Department policies" if White House communications violate Department policy?**

RESPONSE: Please see my response to Question 7.b.

8. **Did President Trump lose the 2020 election?**

RESPONSE: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

9. **Does the U.S. Constitution permit a president to serve three terms?**

RESPONSE: The 22nd Amendment speaks for itself.

10. **Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?**

RESPONSE: I believe that our Constitution gives every President the power to pardon any individual for offenses against the United States.

11. During your confirmation hearing, you were asked about whether several incidents should have been prosecuted under 18 U.S.C. § 2101, which prohibits traveling or use of interstate facilities to incite, organize, promote, or participate in a riot. You committed to enforcing that federal statute if you were confirmed to lead the Criminal Division.

a. Were the January 6 rioters in violation of that federal statute?

RESPONSE: I have not reviewed the evidence in those cases.

At your hearing, Senator Cruz asked you about several protests that occurred between 2020 and 2025. You characterized those incidents as "a real dark mark on our history during that time." You also stated that "[t]here is no place for rioting, burning buildings, [or] assaulting law enforcement officers."

b. Was the January 6 attack on the U.S. Capitol a dark mark on our history?

RESPONSE: I stand by my testimony.

c. Do you condemn the rioting that occurred at the U.S. Capitol on January 6?

RESPONSE: Please see my answer to Question 11.b.

d. Do you condemn the assault of approximately 140 law enforcement officers on January 6?

RESPONSE: I have always condemned attacks against members of law enforcement.

In addition, you agreed with Senator Cruz that "there did seem to be coordination behind" the protests he referenced. On December 19, 2020, President Trump tweeted: "Statistically impossible to have lost the 2020 election. Big protest in D.C. on January 6th. Be there, will be wild!" Hours later, Kelly Meggs, the head of the Florida Oath Keepers, posted a Facebook message pledging that his group would "work together" with the two other right-wing extremist groups, the Three-Percenters and the Proud Boys. Furthermore, there is photographic evidence of former Trump National Security Advisor Michael Flynn meeting with members of the Oath Keepers outside the U.S. Capitol days before he was in a meeting in the Oval Office about overturning the 2020 election.

e. Do you agree that there was coordination behind the January 6 attack on the U.S. Capitol?

RESPONSE: I am not familiar with the specific factual underpinnings of this question. As such, I am not able to offer an opinion.

12. Would you resign if the President asks you to do something which is inconsistent with your oath to uphold and defend the Constitution?

RESPONSE: This question poses a hypothetical that I do not expect to occur. I will always uphold my oath to support and defend the Constitution and follow the law.

13. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders. If confirmed, you will hold a key law enforcement position and you have a duty to uphold the Constitution and follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

RESPONSE: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court This includes the option to seek a stay of the court's order pending appeal.

b. Do you believe a litigant can lawfully defy a federal court order? If yes, in what circumstances?

RESPONSE: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court. This includes the option to seek a stay of the court's order pending appeal. However, I believe that parties must abide by lawful court orders in cases where the order applies to them.

14. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

RESPONSE: No.

15. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

RESPONSE: No.

16. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

RESPONSE: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

RESPONSE: No.

17. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

RESPONSE: No.

18. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Gene Hamilton or Daniel Epstein? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?
RESPONSE: No.

19. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

RESPONSE: No.

20. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

RESPONSE: No.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

RESPONSE: No.

Senate Judiciary Committee Hearing
"Nominations"
Wednesday, October 22, 2025
Questions for the Record for A. Tysen Duva

QUESTIONS FROM SENATOR BLACKBURN

1. **Americans—and specifically our senior citizens—are losing close to *1.3 billion dollars* per year on romance scams. Some lose their *entire* life savings. And these scam artists aren't amateurs—they're often part of sophisticated transnational criminal networks that rake in massive amounts of cash to finance some of the most heinous crimes imaginable. We have a responsibility to protect individuals from fraud and scams, and online dating platforms have a central role in that effort. That's why I introduced the Romance Scam Prevention Act, which would require online dating services to notify users who have interacted with scammers banned from their platform. We must hold these Big Tech platforms accountable for exposing their users to scam artists. At the Criminal Division, you will oversee the Department's priorities when it comes to fraud and financial crimes.**

   a. **At the Criminal Division, you will oversee the Department's priorities when it comes to fraud and financial crimes. What are some steps that the Department can take to go after these criminals?**

      RESPONSE: Romance scams are a serious threat to U.S. interests, because they do significant harm to the financial well-being of vulnerable American citizens. I will dedicate resources to investigating and prosecuting the largest and most complex fraud schemes, including romance scams. To do so, I will ensure that the Criminal Division is deploying significant resources to identify and hold accountable the worst actors exploiting at-risk citizens.

Nomination of A. Tysen Duva
To be Director Assistant Attorney General of the Criminal Divsision
Department of Justice
Questions for the Record
Submitted October 29, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. What did you mean by your November 21, 2020, tweet: "Stop it with the dumb press conferences. Prove it in Court, or concede and step aside. Those are the only legitimate options."?

   RESPONSE: I do not recall the substance of this Tweet, or what it was about.

   a. Did you delete this tweet? If so, when and why?

   RESPONSE: I deleted this and other Tweets many years ago. I decided that Tweeting in my personal capacity was useless and a waste of time and resources.

2. What did you mean by your retweet of a November 13, 2020, tweet saying: "Rules are for thee, not for Pelosee."?

   RESPONSE: This likely referred to COVID-19 stay-at-home mandates that certain national, state, and local leaders themselves did not abide by. Such mandates ought to have applied to all of those affected, regardless of their position.

3. What did you mean by your October 9, 2020, tweet responding to a post about Gretchen Whitmer: "I wonder if she still wants to defund the police. Probably so."?

   RESPONSE: This likely referred to Gretchen Whitmer's defund-the-police politics that I do not support.

4. What did you mean by your April 27, 2019, tweet: "@BernieSanders you are not great at math, that is for sure. You are really not great at anything. Save your socialist agenda for some other country. Not this one. Float on, man."

   RESPONSE: This likely referred to the Senator's Democratic Socialist agenda, which I personally do not agree with.

5. If confirmed, will you work with the U.S. Marshals Service and FBI to ensure they are investigating orchestration of threats against judges, including under RICO and conspiracy statutes, regardless of where such an investigation might lead?

   RESPONSE: The RICO statute has specifically delineated predicate offenses. I will commit to evaluating all RICO matters investigated by the Violent Crime and Racketeering Section based on the facts and law.

6. If confirmed, will you refrain from using self-deleting messaging apps or features like those on Signal for official communications and to comply with all federal records retention laws?

   RESPONSE: Yes.

   a. Will you ensure that no one in the Criminal Division uses these apps or features for official communications?

      RESPONSE: The policies and procedures of the Criminal Division are to retain official communications.

   b. Do prosecutors' *Brady* obligations extend to disclosure of material contained in self-deleting messages?

      RESPONSE: The government is required to disclose to the defense material exculpatory evidence, and I am unaware of any case holding that this disclosure obligation does not apply to *Brady* material contained in self-deleting messages.

   c. Do rules mandating grand jury secrecy prevent the disclosure of grand jury material in self-deleting messages?

      RESPONSE: As a general matter, grand jury material should not be deleted. I am unaware of the use of self-deleting messages in the grand jury material context.

7. In your experience as a prosecutor, did you ever encounter opaque shell companies used to conceal illicit activities?

   RESPONSE: Yes.

   a. Did opaque corporate structures ever impede or slow down your investigations?

      RESPONSE: Sophisticated money laundering is designed to impede and slow investigations.

   b. Would it have been helpful to have had information about the beneficial owner of a shell company readily available for an investigation?

      RESPONSE: Yes.

8. In February, Attorney General Bondi disbanded Task Force KleptoCapture, a highly successful task force established to pursue Russian oligarchs' private assets. At the time, there were approximately $540 million such assets pending litigation.

   a. If confirmed, will you ensure that pending investigations and litigation against oligarch assets will continue?

      RESPONSE: I will review pending investigations and litigations and make decisions consistent with the facts, the law, and my supervisory obligations as Assistant Attorney General of the Criminal Division.

9. During our courtesy meeting and your nomination hearing, I asked you to take a hard look at a bill I cosponsor with Senator Graham that would allow the Department of Justice to seize and forfeit high-value assets—like yachts—owned by Russian oligarchs more quickly through existing *in rem* administrative forfeiture processes, currently available only for assets valued up to $500,000, and transfer the proceeds from those assets to Ukraine.

    a. Would the work of the U.S. Marshals Service and the Department of Justice seizing very expensive foreign oligarch assets be simplified by the use of *in rem* administrative forfeiture procedures?

    RESPONSE: If I am confirmed, I commit to working with you and Senator Graham on legislation that will simplify the processes through which the Marshals and the Department of Justice can effectuate seizures of foreign assets where appropriate.

    b. Should a foreign kleptocrat have more rights in the U.S. court system for a forfeitable asset worth $1 billion than an American citizen does with respect to forfeitable property up to $500,000?

    RESPONSE: No. We will pursue forfeiture of any asset based on applicable asset forfeiture statutes.

10. The Department of Justice is in the process of folding its Tax Division into the Criminal and Civil Divisions, meaning, if confirmed, you will have more responsibility for overseeing tax investigations than prior Criminal Division Assistant Attorneys General.

    a. Should evidence that someone has omitted income from required financial disclosures lead investigators to ask whether that person has omitted the same income from tax filings?

    RESPONSE: False Statement and Tax Investigations often focus on those two issues together.

    b. If there is credible evidence that a member of the Trump Administration did not report income on their tax returns, will you investigate, in coordination with the IRS or otherwise?

    RESPONSE: The Criminal Division will investigate violations of our nation's tax laws in a non-partisan manner, not based on political affiliation.

11. The Department of Justice has reportedly closed Organized Crime Drug Enforcement Task Forces (OCDETF) and plans to incorporate those operations into new Homeland Security Task Forces.

    a. As an Assistant U.S. Attorney, have you or your office ever worked with OCDETF or relied on information distributed by the OCDETF Fusion Center?

    RESPONSE: Yes.

b. Please describe your understanding of any investigation of financial crimes that was required to be included as part of OCDETF investigations.

RESPONSE: OCDETF investigations are approved for OCDETF funding based on numerous criteria. These operations are normally transnational in scope and historically include financial investigations, including money laundering and bulk cash smuggling.

c. To your knowledge, has the OCDETF program ceased operations? If not, when will those operations cease?

RESPONSE: To my knowledge, the Department remains committed to combating drug trafficking and related financial crimes.

d. Has the OCDETF Fusion Center ceased operations? If not, when will those operations cease?

RESPONSE: See my answer to 11.c.

e. Please describe with specificity your understanding of the differences between OCDETF and the new Homeland Security Task Forces, including the agency components involved, the role of career Department of Justice prosecutors, and the role of political appointees.

RESPONSE: My view is the HSTF model is designed to improve upon the OCDETF model to enhance coordination among designated HSTF areas (Geographically) and partnering law enforcement agencies. The lead agency components involved are Homeland Security Investigations (HSI) and the Federal Bureau of Investigation (FBI). The Department of Justice continues to evaluate the specific details of how the HSTF model will be implemented, including the involvement of numerous other agency partners. The role of Department of Justice prosectors and political appointees will remain the same, that is, to collaboratively investigate and prosecute the most significant, wide-ranging, and high value transnational drug and money laundering cases possible.

f. Are Homeland Security Task Forces required to include investigations of financial crimes as part of the Task Forces' investigations? If so, please describe that requirement.

RESPONSE: While I am not familiar with the specific requirements of the Homeland Security Task Forces, as a general matter, the investigation of financial crimes (including money laundering and bulk cash smuggling) is a critical component of any sophisticated transnational drug investigation and prosecution.

g. In your experience, how can federal law enforcement efforts—whether through OCDETF, Homeland Security Task Forces, or otherwise—be improved to better target the criminal financial networks that enable transnational criminal organizations?

RESPONSE: Cross-agency collaboration in this area is critical. It is critical that the various prosecution teams engage in this, including with state and local partners.

h. If you are not aware of any of the above information, if confirmed, will you provide my office with this information as soon as possible following your confirmation?

RESPONSE: I am committed to working with the Office of Legislative Affairs (OLA) to respond to any and all appropriate oversight or information requests relating to the Criminal Division.

12. Have you ever talked to President Trump or White House Chief of Staff Susie Wiles about the criminal investigations against President Trump that occurred during the Biden Administration? If yes, please describe those conversations and state when they occurred.

RESPONSE: No.

13. Bloomberg reported that you met twice with President Trump.

a. Is that correct?

RESPONSE: No. That is incorrect.

b. Was Ms. Wiles involved in arranging both meetings?

RESPONSE: There was one meeting on April 28, 2025 about another position within the Department of Justice (not Assistant Attorney General for the Criminal Division). I am unaware of who specifically arranged it.

c. Did you and President Trump discuss any pending or potential criminal cases or investigations? If yes, please describe those conversations.

RESPONSE: No.

d. Who told you that President Trump wanted a second meeting, and why did that person say President Trump wanted a second meeting?

RESPONSE: No one told me that. I am unaware of whether President Trump wanted a second meeting.

e. What did you and President Trump discuss at the second meeting?

RESPONSE: There was no second meeting between myself and President Trump.

Senate Judiciary Committee
Nomination Hearing
October 22, 2025
Questions for the Record
Senator Amy Klobuchar

For Andrew Duva, to be Assistant Attorney General for the Criminal Division at the Department of Justice

1. The Criminal Division's Child Exploitation and Obscenity Section is responsible for prosecuting crimes involving child exploitation and child sexual abuse material, sex trafficking, and other types of abuse. Senator Cruz and I passed the *TAKE IT DOWN Act* which criminalizes the publication of non-consensual intimate imagery, including AI-generated content.

   - Will you commit to vigorous enforcement of this important law?

     RESPONSE: Yes. I will work with the Child Exploitation and Obscenity Section to develop an appropriate and vigorous enforcement policy.

   - Will you work with me to ensure we are doing all we can to protect our kids from harmful A-I generated content?

     RESPONSE: Yes. I look forward to working with you and other Senators and House Members, along with the Office of Legislative Affairs (OLA), to combat this important issue.

2. At the beginning of this administration, the Public Integrity Section (PIN) had 36 attorneys. Today, there are reportedly only two attorneys left. The rest have been fired, reassigned, or have resigned. In fact, several career prosecutors resigned after refusing to cave to political pressure and drop the indictment against Eric Adams. I am particularly concerned about the loss of these career prosecutors.

   - Will you commit to upholding PIN's tradition of robust, non-partisan enforcement of our public corruption laws?

     RESPONSE: Yes. I have substantial public corruption prosecution experience. As I stated during the October 22, 2025 Hearing (the Hearing), I will work with Deputy Attorney General Todd Blanche on an appropriate approach to the Public Integrity Section.

   - What processes and procedures will you put in place to ensure the nonpartisan enforcement of public corruption laws?

     RESPONSE: As I stated during the Hearing, all cases (including those in the public corruption area) will be evaluated based on the facts and applicable law. Every such matter must have appropriate predication (specific and articulable facts) to open such a

matter for a grand jury investigation. The Criminal Division will follow the Justice Manual to ensure nonpartisan enforcement of public corruption related statutes.

3. In 2022, your predecessor, Ken Polite, testified before the Judiciary Committee about the work that the Criminal Division's Election Threats Task Force was doing to protect election officials from ongoing threats and acts of violence. I and 28 other Senators wrote to Attorney General Bondi in March urging her to continue the Task Force's work. We still have not received a response.

   - Will you commit that under your leadership the Criminal Division will continue to investigate and address the threats faced by election workers?

     RESPONSE: Yes.

Nomination of Andrew Duva to be
Assistant Attorney General for the Criminal Division
Questions for the Record
Submitted October 29, 2025

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you have any discussions with anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—about your loyalty to President Trump? If so, please elaborate.

   RESPONSE: No.

   a. At any point during the process that led to your nomination, were you asked about your opinion on any cases or investigations that involve President Trump or the Trump administration?

      RESPONSE: No.

2. *Bloomberg* has reported that you met with President Trump about your nomination at least twice in recent months.

   a. How many times did you meet with President Trump regarding your nomination?

      RESPONSE: I met with President Trump once, but not specifically about the position for which I was nominated.

   b. On what dates did you meet?

      RESPONSE: April 28, 2025.

   c. Where did each meeting occur?

      RESPONSE: The meeting occurred in the Oval Office.

   d. Who attended each meeting?

      RESPONSE: Various officials of the Trump Administration.

   e. How long did each meeting last?

      RESPONSE: This meeting was brief.

   f. What was the stated purpose of each meeting?

RESPONSE: See my answer to question 2.a.

g. What did you discuss at each meeting?

RESPONSE: I am not going to divulge my conversation with President Trump.

h. Did you take notes at any of the meetings? If so, what notes did you take?

RESPONSE: No.

i. Did you make any promises to President Trump about actions you would take in this position if he nominated you?

RESPONSE: No.

3. In a memo to all DOJ employees, Attorney General Pam Bondi stated that Department attorneys who refuse to advance arguments "deprive[] the President of the benefit of ***his*** lawyers." I want you to focus on the part of this statement that references Department attorneys as President Trump's lawyers.

a. Do you agree with this characterization of Department attorneys by Attorney General Bondi?

RESPONSE: Under Article II of the United States Constitution, Department of Justice attorneys serve at the will and pleasure of the President, and under the direction and guidance of the Attorney General.

b. Do you consider the Assistant Attorney General for the Criminal Division to be "the President's lawyer"?

RESPONSE: Please see my answer to Question 3(a) above.

c. Who does the Criminal Division work for?

RESPONSE: The United States and the American people.

4. At your nomination hearing, Senator Kennedy asked you what you would do if your superior told you to bring a case where you thought (1) the defendant was not guilty, (2) you could not prove guilt beyond a reasonable doubt, *or* (3) pursuing the case was not in the public interest because it would undermine the integrity of the criminal justice system. You said that you would "have no problem" resigning and that you would first explain to the superior why you were not pursuing the case and "the discussion could go from there." Senator Kennedy followed up by asking, "if you were told to do it or quit, what would you do?" You responded, "I'd quit."

a. Do you stand by this statement?

RESPONSE: Yes.

b. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

RESPONSE: You are asking a hypothetical, which I do not believe will occur. The Criminal Division will make decisions based on the facts, applicable law, and evidence. The Criminal Division will not make or implement decisions that it deems illegal or unethical.

i. If not, what did you mean by your statement to Senator Kennedy above?

c. If Attorney General Bondi or another superior at the DOJ asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

RESPONSE: You are asking a hypothetical, which I do not believe will occur. The Criminal Division will make decisions based on the facts, applicable law, and evidence. The Criminal Division will not make or implement decisions that it deems illegal or unethical.

i. If not, what did you mean by your statement to Senator Kennedy above?

5. As the Assistant Attorney General for the Criminal Division, when is it appropriate to refuse to follow a directive from 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, Department policies, and their respective Bar licensing authorities.

6. How would you respond if your role at the Criminal Division required you to follow a policy directive that you thought was unconstitutional?

RESPONSE: Please see my response to Question 5 above.

7. 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.

8. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

   RESPONSE: I have not had occasion to consider this issue over the course of my career. If confirmed, should questions of this nature arise, I would consult with the relevant Department personnel and ensure the Criminal Division is fulfilling its obligations.

9. Do you agree that the DOJ has an independent obligation to evaluate the legality of the President's policy proposals?

   RESPONSE: The Department works closely with its client agencies to limit the potential for litigation and to prevent unfavorable outcomes should cases proceed in court.

10. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

    RESPONSE: I will always advise a client to comply with court orders.

    a. What are the remedies available to a litigant who is dissatisfied with a court order?

       RESPONSE: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order pending appeal.

    b. At your nomination hearing, you told Senator Kennedy you would never advise a client not to follow a federal court order. Do you stand by that statement?

       RESPONSE: Yes.

    c. If President Trump instructed you to disobey an order from a federal judge, how would you respond?

       RESPONSE: The question poses a hypothetical, which I do not believe will occur. If confirmed, I will always follow the law and uphold my oath to support and defend the Constitution.

    d. If Attorney General Bondi instructed you to disobey an order from a federal judge, how would you respond?

       RESPONSE: Please see my response to Question 10(c).

11. How would you respond to the President calling on the Department via social media, a press conference, or other means, to investigate, sue, and/or prosecute a political opponent?

    RESPONSE: I will ensure any law enforcement activities by the Criminal Division are only undertaken where there is a proper basis under the facts and law.

12. How would you respond to the President calling on the Department via social media, a press conference, or other means, to investigate, sue, and/or prosecute an individual or corporation where that action was not justified by the facts and the law?

    RESPONSE: Please see my response to Question 11 above.

13. How would you respond to the President calling on the Department via social media, a press conference, or other means, to drop a case or investigation where that action was not justified by the facts and the law?

    RESPONSE: Please see my response to Question 11 above.

14. If confirmed, what procedures would you put in place to avoid politicization of the Criminal Division and ensure consultation with career attorneys?

    RESPONSE: The Department of Justice's legal judgments must be impartial and free from political influence to uphold the rule of law and maintain public trust. Under the Principles of Federal Prosecution (Justice Manual §9-27.000), Department officials should make these decisions free of bias or political influence.

15. The DOJ has long played a role in advising the President in his use of the clemency power and recommending cases for pardons to him.

    a. Do you think it would be appropriate for the DOJ to recommend clemency for an individual based on who the individual supported or contributed to in a political election?

       RESPONSE: Article II, Section 2, Clause 1 of the U.S. Constitution grants the President power to grant pardons and reprieves for offenses against the United States. Clemency is a core Article II power.

    b. If confirmed, do you commit to not basing any clemency recommendations that you might be a part of on political considerations?

       RESPONSE: Please see my response to Question 15(a).

16. What is your general approach to deciding how to focus prosecutorial resources?

RESPONSE: The Criminal Division will focus prosecutorial resources consistent to align with Department priorities in an efficient and effective manner. To do so, I would take care to evaluate the Division's available resources, as well as its needs, in consultation with Department leadership as well as the Divisions' 16 Sections to identify where and how to deploy the available resources. This would ensure that the Criminal Division is equipped to investigate and prosecute the worst criminal actors harming American interests.

17. As you discussed with Ranking Member Durbin at your nomination hearing, the Public Integrity Section (PIN) within the Criminal Division has recently gone from 36 attorneys down to two and from over a dozen paralegals to one. Moreover, historically the DOJ's Justice Manual has required that prosecutors in local U.S. Attorney's offices consult with the Public Integrity Section on federal criminal matters related to violations of campaign financing laws, federal patronage crimes, or corruption of the election process. But this requirement has been suspended "for revision" since June. I am concerned that suspending the consultation requirement appears to shift authority in public corruption cases away from career DOJ lawyers to U.S. Attorneys hand-picked by the President.

    a. You told Ranking Member Durbin that you would speak to Deputy Attorney General Todd Blanche about "repurposing PIN" and "if there is a lane to build up that section and make it a more robust section than it is." What specifically would you propose for the future of PIN in such a discussion?

    RESPONSE: I will perform a full evaluation of PIN, the remaining personnel, and an appropriate direction for PIN in matters that involve national level public corruption, or state and local public corruption matters where there is a national interest. I will consult with Deputy Attorney General Todd Blanche and make appropriate recommendations to his office, based on my findings.

    b. You also said that you "believe the Criminal Division should have a footprint in [public corruption] prosecutions and evaluating cases at the national level." If you are confirmed, will you work to ensure that U.S. Attorney's offices will still be required to consult with PIN going forward?

    RESPONSE: As stated above, I will make that evaluation and consult with Deputy Attorney General Todd Blanche.

18. I have co-led the strongly bipartisan *Safer Supervision Act* to reform federal supervised release to better ensure that, rather than being imposed unthinkingly in every case, supervision resources are directed to those who most need it in a way that best supports public safety. The bill also encourages greater use of early termination to provide people positive incentives towards rehabilitation. The bill has strong support from conservative and law enforcement groups. Recently the U.S. Sentencing Commission, at the request of myself and a bipartisan group of members of Congress, finalized an amendment to

supervision guidelines in ways consistent with parts of the bill. These changes go into effect on November 1, 2025.

a. If confirmed, will you commit to reviewing this amendment to the Guidelines and ensuring that prosecutors in the Criminal Division are trained to account for the amendment (when it goes into effect) in how they make sentencing recommendations and how they respond to requests for early termination and violations of supervised release?

RESPONSE: Yes. The Criminal Division will implement any such legislative changes in its practices and procures. As a matter of custom, terms of supervised release are often terminated early throughout the country, which occur with recommendations of line attorneys.

19. The Criminal Division houses the Capital Case Section (CCS). As you know, CCS conducts a preliminary analysis of all cases in which a U.S. Attorney charges a defendant with a crime punishable by death and advises the Attorney General's Review Committee on Capital Cases of the factual and legal issues that are relevant to the Committee's recommendation to the Attorney General whether to seek the death penalty.

a. Do you support the death penalty?

RESPONSE: Yes. The Department should consider the factors contained in the Justice Manual §§ 9-10.000 et seq., - Capital Crimes, and specifically the factors and standards for determination set out in § 9-10.140, when deciding whether to seek the death penalty in a case. Each such decision must be based upon the facts and law applicable to the case and be set within a framework of consistent and even-handed national application of Federal capital sentencing laws.

b. If so, what factors should CCS attorneys consider when advising the Committee on its recommendations to the Attorney General about whether to seek the death penalty in a case?

RESPONSE: Please see the response to Question 19(a) above.

20. The Criminal Division houses the Computer Crimes and Intellectual Property Section. I care deeply about protecting American intellectual property and ensuring our dominance in global innovation. IP-intensive industries account for 40% of U.S. economic activity and support more than 60 million jobs.

a. If you are confirmed, will you commit to prioritizing the investigation and prosecution of IP theft in the United States?

RESPONSE: Yes.

b. What specific steps do you propose the Criminal Division take to combat IP theft?

RESPONSE: I would prioritize investigating and prosecuting the most damaging intellectual property threats, including significant thefts of commercial trade secrets, particularly those with a foreign nexus; cases involving risks to public health and safety, such as those involving counterfeit pharmaceuticals, auto parts, or electrical components; intellectual property crimes involving transnational criminal organizations; and intellectual property crimes that threaten critical infrastructure, national security, military operations, or the administration of government.

21. Deaths caused by opioid overdoses have reached epidemic levels in the United States, including in Delaware, with devastating consequences for communities and families.

a. What actions do you believe are most effective in the Department's efforts to combat the opioid epidemic?

RESPONSE: The Department is most effective when it marshals the federal investigative power of each of its investigative agencies with the resources of its local law enforcement partners to identify and target those individuals and organizations that traffic such poisons. Having prosecuted and tried overdose death cases, partnerships with the United States Attorney's Offices and local law enforcement task forces that investigate these cases are critical in this area. The first 24 to 48 hours of these investigations can make or break a case. This includes gathering devices, and interviewing family and witnesses. Additionally, it is important to support community rehabilitation efforts to reduce demand for those poisons.

b. How do you think the Justice Department can help to break the cycle of addiction?

RESPONSE: Addressing the opioid addiction crisis in our communities requires a comprehensive approach which includes prevention, education, treatment, and enforcement.

c. Do you support the use of specialized courts, such as drug courts and veterans' treatment courts?

RESPONSE: Yes.

22. My home community of Wilmington, Delaware is working to reduce gun violence, and I want to identify ways that the federal government can help state and local law enforcement confront this challenge.

a. Do you agree that it would help state and local law enforcement to know when a prohibited person tried to buy a gun?

RESPONSE: Yes. Federal statutes address this very issue. Further, I encourage cooperation and coordination between federal and local law enforcement.

b. What additional actions do you think the Justice Department should take to address gun violence?

RESPONSE: The Department of Justice should enforce existing gun laws, improve background check systems, and promote collaboration with state and local law enforcement.

23. The Assistant Attorney General for the Criminal Division oversees over 1,100 people across 16 sections.

a. Have you ever managed a government office before?

RESPONSE: As Senior Litigation Counsel (during two stints) at the United States Attorney's Office Middle District of Florida, I was responsible for mentoring and training between 30 and 40 Assistant United States Attorneys on grand jury practice, trial practice, and discovery issues (including Brady and Giglio disclosures). This was District-wide training.

b. What is the largest organization that you have managed and how many employees did it encompass?

RESPONSE: See answer to question 23.a.

24. When Attorney General Bondi testified before the Senate Judiciary Committee on October 7, 2025, we had a constructive conversation about common-sense criminal justice reform, including a May 2025 directive issued by the Bureau of Prisons to expand the availability of home confinement. The directive said it was "rooted in the principle of smart, fair criminal justice reform." It explained that "smart reform and public safety can go hand-in-hand" and that "second chances are not just possible—they are necessary for a justice system worthy of the American people."

When I asked Attorney General Bondi about this statement, she replied, "we believe in second chances. As a career prosecutor, I know that most people, even violent criminals, are going to be locked up and then they're going to be released. And that's why we need everyone to be a productive member of society. I believe in halfway houses and that's part of what . . . the *First Step Act* did. It gives people a second chance at life." She added, "President Trump is the one who signed the *First Step Act* because he believes in second chances. We all do."

a. Do you agree with this testimony by Attorney General Bondi?

RESPONSE: Yes.

b. If you are confirmed, how do you plan to advance the principles Attorney General Bondi set forth as head of the Criminal Division?

RESPONSE: The First Step Act is the law. Since its passage, I have followed it as a line AUSA. As Attorney General Bondi indicated, the Department will continue to follow its dictates and implement it to achieve the statutory goals of rehabilitation and recidivism reduction.

25. 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?

a. Do you believe solitary confinement should ever be used for juveniles?

RESPONSE: The Criminal Division oversees a very small number of cases involving juveniles, and as such, before making any type of recommendation, I would need to consult with Department experts.

26. Internet archive records show that you have deleted at least several hundred tweets that existed in November 2020.

a. Why did you delete these tweets?

RESPONSE: I deleted Tweets years ago. I decided that Tweeting in my personal capacity was useless and a waste of time and resources.

b. Did you delete your tweets because you thought they might jeopardize your chances of being nominated or confirmed for this position? If so, what made you think that?

RESPONSE: No. At the time I deleted the Tweets, I had not made any decision to seek a leadership position in the Department of Justice.

27. Some of your tweets have conveyed political viewpoints. For example, you wrote on April 27, 2019, that Senator Sanders was "really not great at anything" and should "save [his] socialist agenda for some other country." And on March 24, 2019, you quote tweeted Senator Graham, asking him "what are you talking about? Did you really think Trump colluded with Russia? So dumb if you did....."

a. Do you recall making these statements?

RESPONSE: I recall the Senator Sanders Tweet. I do not recall the Senator Graham Tweet.

b. Do you still agree with these statements?

RESPONSE: I do agree with the substance of the Tweets. I made them in my personal capacity (with the caveat of if I even made the Senator Graham Tweet). I do not personally agree with Senator Sanders's Democratic socialist agenda. I also believed at the time (and still do) that the Steele Dossier was fabricated predication for the Trump Russia investigation, which has since proven to be accurate.

c. Is it a common practice for active Assistant U.S. Attorneys to make political statements on social media?

RESPONSE: At the time, Assistant United States Attorneys were permitted to issue Tweets in their personal capacities.

Questions for the Record for A. Tysen Duva
Submitted by Senator Richard Blumenthal
October 29, 2025

1. If confirmed, will you commit to making prosecutorial decisions based solely on the facts, the law, and the interests of justice, without regard to undue influence from White House officials?

   RESPONSE: If confirmed, I will always uphold my oath to support and defend the Constitution and follow the law.

   a. If confirmed, will you commit to limiting communications with White House officials to only those communications regarding ongoing investigations and prosecutions that warrant White House involvement or knowledge sharing, and do not pose conflicts of interest?

      RESPONSE: I will ensure that any communications with White House officials are consistent with Department policies governing contacts between the Department of Justice and the White House.

   b. If confirmed, will you commit to reporting, to the appropriate ethics officer, any attempts by political officials to influence prosecutorial decisions of which you are a part?

      RESPONSE: I will comply fully with the Department's ethics and reporting requirements.

   c. If confirmed, will you allocate prosecutorial resources based on public safety priorities and the severity of crimes rather than political considerations?

      RESPONSE: Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

2. If confirmed, will you commit to making prosecutorial decisions without being influenced by the impermissible considerations described in Section 9-27.260 of the Justice Manual?

   RESPONSE: Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

a. Specifically, if confirmed, will you commit to making prosecutorial decisions without being influenced by an individual's political association, activities, or beliefs?

RESPONSE: Under my leadership, the Criminal Division's investigative and prosecutorial decisions will 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. If confirmed, will you commit to reporting, to the appropriate ethics officer, any prosecutorial decisions that you are aware were made under the influence of impermissible considerations?

RESPONSE: Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000). As with all matters at the Department, personnel actions must be based on performance, conduct, and adherence to DOJ policies. If misconduct occurs, it will be addressed swiftly and appropriately, consistent with Department procedures.

3. If confirmed, will you commit to consulting and following the recommendation of career ethics officials to determine whether your recusal is required from any investigation or prosecution where you have a personal, financial, or professional conflict of interest?

RESPONSE: If any matter were to come before me that might present a conflict of interest, I would consult with Department of Justice ethics officials and follow my ethical obligations.

a. If confirmed, will you commit to avoiding participation in political activities that could compromise the appearance of prosecutorial neutrality?

RESPONSE: I will fully comply with all Department and federal regulations governing political activity by Department employees.

b. If confirmed, will you commit to consulting and following the recommendation of career ethics officials to determine whether your recusal is required in matters involving former clients, former employers, or organizations with which you have had significant professional relationships?

RESPONSE: If any matter were to come before me that might present a conflict of interest, I would consult with Department of Justice ethics officials and follow my ethical obligations.

c. If confirmed, will you commit to consulting and following the recommendation of career ethics officials to determine whether your recusal is required in matters

involving family members, personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

RESPONSE: If any matter were to come before me that might present a conflict of interest, I would consult with Department of Justice ethics officials and follow my ethical obligations.

d. If confirmed, will you commit consulting and following the recommendation of career ethics officials to determine whether your recusal is required in matters involving individuals, organizations, or entities to which you or your family members have made contributions or provided political support?

RESPONSE: If any matter were to come before me that might present a conflict of interest, I would consult with Department of Justice ethics officials and follow my ethical obligations.

4. If confirmed, will you commit to ensuring "that the laws be faithfully executed[?]"

RESPONSE: Yes. I will always uphold my oath to support and defend the Constitution and follow the law.

a. If confirmed, will you commit to ensuring that prosecutorial decisions are made without regard to the race, ethnicity, religion, gender, sexual orientation, political affiliation, or socioeconomic status of defendants or victims?

RESPONSE: Yes. Under my leadership, the Criminal Division's investigative and prosecutorial decisions will 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. If confirmed, will you commit to holding corporations and their executives accountable for criminal conduct without regard to their political connections or economic influence?

RESPONSE: Yes. Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

c. If confirmed, will you prioritize the prosecution of civil rights violations and hate crimes as important federal law enforcement priorities?

RESPONSE: Yes. Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

5. Are you aware that Assistant Attorneys General are bound by the policies set forth in the Department of Justice's (DOJ's) Justice Manual?

   RESPONSE: Yes.

   a. If confirmed, will you commit to ensuring that you and your Division fully comply with *Brady* disclosure requirements and provide defendants with all exculpatory evidence?

      RESPONSE: Yes. Under my leadership, the Criminal Division will comply with *Brady* disclosure requirements as outlined in Principles of Federal Prosecution (Justice Manual §9-27.000), and §9-5.000 of the Justice Manual.

   b. If confirmed, will you ensure that high-profile defendants receive the same prosecutorial treatment as other defendants charged with similar crimes?

      RESPONSE: Yes. Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

   c. If confirmed, will you ensure that plea agreements are fair, proportionate, and serve the interests of justice?

      RESPONSE: Yes. Under my leadership, the Criminal Division's decisions on plea agreements will be based on the facts, the applicable law and policies, the admissible evidence, the Principles of Federal Prosecution (Justice Manual §9-27.000), and §9-16.000 of the Justice Manual on pleas.

   d. If confirmed, will you commit to making sentencing recommendations based on established DOJ policies and the individual circumstances of each case?

      RESPONSE: Yes. Under my leadership, the Criminal Division's decisions on sentencing recommendations will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

   e. If confirmed, will you make decisions about appeals based on legal merits rather than political considerations?

      RESPONSE: Yes. Under my leadership, the Criminal Division's decisions on appeals will be based on the facts, the applicable law and policies, the admissible evidence, the Principles of Federal Prosecution (Justice Manual §9-27.000), and Title 2 of the Justice Manual on appeals.

6. If confirmed, will you commit to ensuring that public statements about ongoing investigations comply with DOJ policies and do not prejudice pending cases?

   RESPONSE: Yes.

7. If confirmed, will you cooperate fully with congressional oversight, including but not limited to requests for documents and data and participation in hearings?

   RESPONSE: Yes. Under my leadership, the Criminal Division will comply with congressional oversight to the best of its ability when it is not otherwise limited by law, a lawful court order, or the Justice Manual.

8. If confirmed, will you commit to maintaining robust internal controls and oversight mechanisms to prevent prosecutorial misconduct?

   RESPONSE: Yes. Under my leadership, the Criminal Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

   a. If confirmed, will you protect federal employees who report misconduct or raise legitimate concerns about prosecutorial decisions?

      RESPONSE: Yes. As with all matters at the Department, personnel actions must be based on performance, conduct, and adherence to DOJ policies. Investigative and prosecutorial decisions must be guided by the facts and the law.

9. If confirmed, will you commit unequivocally to ensuring that you and your Division will fully comply with all lawful court orders, including orders requiring the production of documents, testimony of witnesses, or other forms of cooperation with judicial proceedings?

   RESPONSE: Yes. Under my leadership, the Criminal Division will uphold the rule of law by ensuring compliance with all lawful court orders and by providing legal counsel to facilitate such compliance.

   a. If confirmed, will you personally ensure that any court orders directed to your Division are promptly reviewed by appropriate legal staff and that compliance deadlines are met without requiring judicial intervention or contempt?

      RESPONSE: Yes. If confirmed, under my leadership, the Criminal Division will uphold the rule of law by ensuring compliance with all lawful court orders and by providing legal counsel to facilitate such compliance.

10. Were you in Washington, D.C. on January 6, 2021?

RESPONSE: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

RESPONSE: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Andrew Tysen Duva

1. Public reporting indicates that you have met with President Trump at least twice since his election.
   a. **How many times did you meet with President Trump <u>prior</u> to his reelection in 2024?**

      RESPONSE: None.

   b. **How many times did you meet with President Trump <u>between</u> the 2024 election and your nomination to lead the Criminal Division?**

      RESPONSE: Once.

   c. **How many times have you met with President Trump <u>since</u> your nomination to lead the Criminal Division?**

      RESPONSE: None.

   d. **Are you aware of any prior nominees or prior prospective nominees to lead the Criminal Division who met with the President personally two or more times prior to their nomination?**

      RESPONSE: I am not aware.

   e. **During any of your meetings with President Trump, did the President instruct, suggest, or hint that you should bring a criminal case against any specific individual?**

      RESPONSE: No.

      If so, explain in detail.

   f. **Has anyone in the White House instructed, suggested, or hinted that you bring a criminal case against any specific individual?**

      RESPONSE: No.

      If so, explain in detail.

g. **Has anyone in the Office of the Attorney General or Office of the Deputy Attorney General instructed, suggested, or hinted that you bring a criminal case against any specific individual since your nomination?**

RESPONSE: No.

If so, explain in detail.

h. **Has anyone in the Trump Administration instructed, suggested, or hinted that you bring a criminal case against any specific individual?**

RESPONSE: No.

If so, explain in detail.

2. If confirmed, you will suddenly lead a team of about 1,100 people. **What is the largest team you have previously managed?**

RESPONSE: As Senior Litigation Counsel (during two stints) at the United States Attorney's Office Middle District of Florida, I was responsible for mentoring and training between 30 and 40 Assistant United States Attorneys on grand jury practice, trial practice, and discovery issues (including Brady and Giglio disclosures). This was District-wide training.

3. If confirmed, you will oversee the section that reviews appeals of all federal criminal cases. **How many appeals have you previously supervised?**

RESPONSE: None. However, I worked closely with the Appellate Division in the Middle District of Florida and the Criminal Division on all appeals that occurred in my cases. My assignment as an AUSA was as a criminal trial prosecutor, not as an appellate lawyer.

4. If confirmed, you will oversee the section that prosecutes violations of international human rights and the Office of International Affairs.

a. **How many genocide cases have you previously supervised or prosecuted?**

RESPONSE: None.

b. **How many torture cases have you previously supervised or prosecuted?**

RESPONSE: None.

c. **How many war crime cases have you previously supervised or prosecuted?**

RESPONSE: None.

d. **How many female genital mutilation cases have you previously supervised or prosecuted?**

RESPONSE: None.

e. **How many Military Extraterritorial Jurisdiction Act cases have you previously supervised or prosecuted?**

RESPONSE: None.

f. **How many extradition cases have you managed?**

RESPONSE: I have worked on between eight and ten extradition defendants.

g. **Is the extrajudicial killing of civilians, even members of organized crime organizations, in international waters a violation of international law?**

RESPONSE: I have not addressed this issue during my career as an AUSA. Nor have I had the opportunity to study the body of potentially applicable law on the subject. If I am confirmed, and if this issue arises in the context of my duties as Assistant Attorney General of the Criminal Division, I will consult with the relevant Department of Justice and Department of War attorneys as appropriate.

h. **Is the extrajudicial killing of civilians, even members of organized crime organizations, in international waters a violation of U.S. law?**

RESPONSE: See answer to Question 4.g.

5. If confirmed, you will oversee the International Criminal Investigative Training Assistance Program Section and the Office of Overseas Prosecutorial Development, Assistance and Training, which work with foreign governments to develop global law enforcement training and capacity. **How many bilateral and multi-lateral international negotiations or trainings have you supervised?**

RESPONSE: None.

Nomination of Andrew Tysen Duva
Assistant Attorney General for the Department of Justice, Criminal Division
Questions for the Record
Submitted October 29, 2025

QUESTIONS FROM SENATOR BOOKER

1. Describe your view of the role of career Department of Justice ("DOJ" or "Department") officials and the weight you would give to their recommendations in decision-making processes if you are confirmed.

   RESPONSE: Under my leadership, the Criminal Division will establish/continue an appropriate chain of command to make investigative and prosecutorial decisions. This will necessarily involve the viewpoints and perspectives of career DOJ officials, which is of course necessary and valuable. I, like others, am a career DOJ official.

2. Do you believe that the Department of Justice has an obligation to enforce the law and administer justice impartially, including for individuals with whom you disagree or who are affiliated with a different political party?

   RESPONSE: Yes.

   a. Would an individual's political affiliation ever influence how you evaluate or weigh their recommendations? If so, under what circumstances? And if not, how would you ensure that such recommendations are assessed solely on their merits?

      RESPONSE: No.

   b. What specific measures you would take to ensure investigations, prosecutions, or other Department actions are free from political interference?

      RESPONSE: Under my leadership, the Criminal Division will apply the facts to the law and follow Department policies (including those in the Justice Manual) to make investigative, prosecutorial, and other decisions.

   c. What steps would you take if you were directed by the Attorney General or another Administration official to take an action you believed was politically motivated? Additionally, what would you do if you believed that such an action lacked legal merit?

      RESPONSE: This question poses a hypothetical that I do not expect to occur. I will always uphold my oath to support and defend the Constitution and follow the law. Any matters that the Criminal Division determines are without legal merit will be declined.

3. Do you believe that Department of Justice officials have a responsibility not to use inflammatory or discriminatory rhetoric directed at individuals or groups based on race, ethnicity, religion, gender, or other protected characteristics, even when the Administration or you personally may disagree with their views? If so, explain how, if you are confirmed, you would ensure that the Criminal Division's communications, policies, and enforcement actions uphold that responsibility.

   RESPONSE: Yes. The Criminal Division will follow the Department's communication policies in all instances.

4. The Department of Justice "generally will not confirm the existence of or otherwise comment about ongoing investigations."[1] DOJ's Justice Manual[2] also prohibits disclosure of information that could prejudice an adjudicative proceeding, except in limited circumstances.

   a. Do you agree with this policy? If not, why not?

      RESPONSE: Yes.

   b. What is your view on when, if ever, it is appropriate to publicly announce an investigation or investigative finding?

      RESPONSE: As the question indicates, any such announcements or comments are generally prohibited. It would only be permissible if there is a clearly delineated exception.

5. Attorney General Pam Bondi's brother, Brad Bondi, has represented at least two criminal defendants whose criminal charges have since been dropped by DOJ, including Carolina Amesty, a former Republican state legislator who was prosecuted by the U.S. Attorney's Office for the Middle District of Florida for theft of government property relating to the COVID-19 Economic Injury Disaster Loan Program.[3]

   a. Did you have any involvement in Carolina Amesty's criminal case or the decision to dismiss it? If so, describe your specific role.

      RESPONSE: No.

   b. Did you ever discuss Carolina Amesty's criminal case with Gregory W. Kehoe, Interim U.S. Attorney for the Middle District of Florida? If so, specify the dates and substance of those discussions. Did Mr. Kehoe recommend dismissing this case?

      RESPONSE: No.

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[1] DEP'T OF JUSTICE, JUSTICE MANUAL § 1-7.400, https://www.justice.gov/jm/jm-1-7000-media-relations#1-7.400.
[2] DEP'T OF JUSTICE, JUSTICE MANUAL § 1-7.610, https://www.justice.gov/jm/jm-1-7000-media-relations#1-7.531.
[3] Olivia Rubin, *DOJ drops charges against another client of AG Pam Bondi's brother Brad*, ABC NEWS (AUG. 28, 2025), https://abcnews.go.com/US/doj-drops-charges-client-ag-pam-bondis-brother/story?id=125073335.

6. Created in 1976 in the wake of the Watergate scandal, DOJ's Public Integrity Section (PIN) has played a central role in prosecuting criminal abuses of public trust by government officials. The Section's jurisdiction includes investigation and prosecution of misconduct of public officials in all three branches of the federal government, as well as state and local public officials; judicial misconduct; and election crimes, such as voter fraud and campaign-financing offenses.[4]

   a. According to your Senate Judiciary Questionnaire, while you were working as a prosecutor in the U.S. Attorney's Office for the Middle District of Florida, you partnered with a Trial Attorney from PIN to prosecute a former Congresswoman and her chief of staff for fraud, ethics, and tax offenses in *United States v. Corrine Brown and Ronnie Simmons*, No. 3:16-cr-93. Describe the structure of your partnership with PIN throughout the case and your experience litigating the case with PIN.

      RESPONSE: The nature of this Prosecution Team is that the Middle District of Florida, PIN, and the FBI worked hand in hand throughout the investigation and prosecution in this case. The Middle District of Florida and PIN properly supervised the case. In the prosecution realm, the Middle District of Florida and PIN were co-equal partners. The overall experience during the partnership was positive. Any issues and disagreements were appropriately resolved through both chains of command.

   b. At the sentencing hearing for that case, you described the criminal conduct as "conduct unbecoming of their office," and "an affront to their constituents and the citizens of this democracy." You stated that, "The citizens of this nation and this community deserve honest public officials, ones that handle themselves with integrity at all phases of the political process." And you also said: "We live in times where we need our members to conduct themselves with honesty and integrity, their chiefs of staff who run their offices -- because there are big things at stake in this country."

      i. Do you stand by these statements?

         RESPONSE: Yes.

      ii. Do you believe that public corruption is a significant issue today?

         RESPONSE: Yes.

   Before January 20, 2025, PIN had 36 full-time lawyers; it now reportedly has only two full-time lawyers.[5] During a recent Senate Judiciary Committee hearing, Attorney General Pam Bondi testified that PIN "has not been slashed" and that cases from PIN "are going to various

[4] ABOUT THE PUBLIC INTEGRITY SECTION, CRIMINAL DIVISION U.S. DEP'T OF JUSTICE, https://www.justice.gov/criminal/criminal-pin/about.
[5] Jose Pagliery, *The Justice Department Had 36 Lawyers Fighting Corruption Full-Time. Under Trump, It's Down to Two*, NOTUS (Sept. 22, 2025), https://www.notus.org/courts/doj-public-integrity.

US attorney offices to be handled in each office around the country instead of one unit based in D.C."

a. If you are confirmed, will you review the capacity of PIN to ensure it has sufficient staff and resources to enforce public corruption laws?

RESPONSE: Yes.

7. In February 2025, President Trump issued an executive order calling for a pause in enforcement of the Foreign Corrupt Practices Act, a 1977 law that prohibits companies that operate in the U.S. from bribing foreign officials. This law has been a cornerstone of federal efforts to combat corruption.[6]

Pursuant to the executive order, DOJ launched a 180-day review of its enforcement of the FCPA, leading to widespread departures from the DOJ's Fraud Section unit tasked with enforcing the FCPA; as of June, the number of lawyers in the unit shrunk from 32 to 15 prosecutors.[7]

a. What is your view of the FCPA and whether it has been effective? If not, why not?

RESPONSE: The Foreign Corrupt Practices Act (FCPA) is an important statute for combating global corruption that harms American interests. As President Trump rightly noted, FCPA enforcement in recent years as extended beyond its original intent, burdening American companies and harming our national interest. However, terrorists and criminals thrive where governments are weak and corruption is rampant, and foreign bribery prevents honest American companies from competing on a level playing field.

b. If you are confirmed, do you commit to reviewing the capacity of the Fraud Section to ensure that it has sufficient staff and resources to enforce the FCPA?

RESPONSE: I am committed to supporting and working with the hard-working men and women in the Fraud Section and allocating resources to white-collar enforcement consistent with Department policies and priorities, including the investigations and prosecution of bribery and associated money laundering that impact United States interests.

c. If you are confirmed, what steps would you take to ensure that those who violate the FCPA are held accountable?

RESPONSE: I would dedicate Fraud Section resources to investigating and prosecuting

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[6] EXEC. ORDER, PAUSING FOREIGN CORRUPT PRACTICES ACT ENFORCEMENT TO FURTHER AMERICAN ECONOMIC AND NATIONAL SECURITY (Feb. 10, 2025), https://www.whitehouse.gov/presidential-actions/2025/02/pausing-foreign-corrupt-practices-act-enforcement-to-further-american-economic-and-national-security/.

[7] Andrew Goudsward, Sarah Lynch & Chris Prentice, *US team investigating foreign bribery dwindles, sources say*, REUTERS (June 9, 2025), https://www.reuters.com/business/finance/us-team-investigating-foreign-bribery-dwindles-sources-say-2025-06-09/.

violations of the FCPA firmly but fairly and consistent with Department policies and priorities.

d. If the Department pauses its enforcement of FCPA, what legal authorities would you rely on to hold accountable companies operating in the U.S. that bribe foreign officials?

RESPONSE: I would enforce the FCPA consistent with all applicable laws, rules, regulations, policies, and priorities.

8. On September 20, 2025, President Trump addressed Attorney General Bondi directly in a Truth Social post instructing her to take action against former FBI Director James Comey, New York Attorney General Letitia James, and Senator Adam Schiff stating "I have reviewed over 30 statements and posts saying that, essentially, "same old story as last time, all talk, no action. Nothing is being done. What about Comey, Adam "Shifty" Schiff, Leticia??? They're all guilty as hell....'"[8]

a. How would you respond if you were directed by a White House official or senior Administration official to take similar action against individuals for political reasons?

RESPONSE: The Criminal Division will pursue any predicated investigations based on the facts, law, and evidence developed, which will be the sole sources of prosecutorial decisions.

b. If any White House official or senior Administration official directs you to dismiss a case without valid grounds to do so, how would you respond?

RESPONSE: See my answer to question 8.a.

c. If any White House official or senior Administration official directs you to open, investigate, or prosecute a case without valid grounds to do so, how would you respond?

RESPONSE: See my answer to question 8.a.

9. According to DOJ's Justice Manual, prosecutors are generally barred from bringing charges unless they can prove a defendant will "more likely than not be found guilty beyond a reasonable doubt by an unbiased trier of fact and that the conviction will be upheld on appeal."[9]

a. Do you agree with this provision in the Justice Manual?

RESPONSE: Yes.

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[8] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Sept. 20, 2025, 6:44 PM), https://truthsocial.com/@realDonaldTrump/posts/115239044548033727.

[9] DEP'T OF JUSTICE, JUSTICE MANUAL § 9-27.220, https://www.justice.gov/jm/jm-9-27000-principles-federal-prosecution.

b. What circumstances would warrant a departure from this policy?

RESPONSE: I cannot think of one.

c. Have you adhered to this provision in the Justice Manual throughout your career as a prosecutor?

RESPONSE: Yes.

10. Will you commit to consulting with career officials at DOJ regarding your potential conflicts of interest?

RESPONSE: Yes.

11. Will you follow the guidance of career officials at DOJ regarding your potential conflicts of interest and recusals?

RESPONSE: Yes.

12. Will you commit to responding to Congressional inquiries about your potential conflicts of interest?

RESPONSE: Yes, if such inquiries are appropriate, I will work with the Office of Legislative Affairs (OLA) to respond.

13. Have you personally reviewed any of the files and records in the DOJ's possession relating to Jeffrey Epstein? If yes, describe the extent of your review.

RESPONSE: No.

14. Do you support the full release of the Epstein files, redacted only to remove child sexual abuse material and to protect witnesses and survivors?

RESPONSE: I support the decisions that Attorney General Pam Bondi and Deputy Attorney General Todd Blanche have made with respect to the Epstein files.

15. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

RESPONSE: No.

16. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

RESPONSE: No.

17. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

    RESPONSE: No.

18. Did you discuss the possibility of an appointment to this position, or any other role in the Administration, with President Trump or anyone else associated with him before January 20, 2025? Please provide name of the individual, the dates, mode, and content of those discussions and communications.

    RESPONSE: No.

19. 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, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

       RESPONSE: Please see my response to Question 19.

20. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

    RESPONSE: Under my leadership, the Criminal Division will follow lawful Court orders. If the Criminal Division seeks to challenge a Court order, it will do so via the avenues of appeal, including the potential of asking the Court that issued the order to stay is effectiveness.

    a. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

    RESPONSE: No, as long as the order was lawful.

21. What considerations warrant changing or reversing the legal position of the United States advanced by a previous Administration in litigation?

RESPONSE: At times, proper discretionary policy shifts warrant changes to policies and decisions advanced by prior Administrations. This oftentimes occurs (on both sides of the dais) when one party (or another) determines DOJ prosecutorial priorities. This also occurs at times when there is a new or novel crime trend that occurs, which requires a new, amended, or supplemental policy to address the trend.

a. Under what circumstances, if any, would it be acceptable to change the legal position of the United States in litigation, not because of the strength of the case or a legal or factual question, but because of an Administration policy priority? Please provide each one and the justification.

RESPONSE: See my answer to question 21.

22. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

RESPONSE: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

a. Did Biden win a majority of the electoral vote in the 2020 election?

RESPONSE: Please see my response to Question 22 above.

b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

RESPONSE: Please see my response to Question 22

23. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[10]

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

RESPONSE: Yes.

b. Did Trump win a majority of the electoral vote in the 2016 election?

RESPONSE: Yes.

[10] U.S. CONST. amend. XXII.

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

RESPONSE: Yes.

d. Did Trump win a majority of the electoral vote in the 2024 election?

RESPONSE: Yes.

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

RESPONSE: The 22nd Amendment speaks for itself.

24. How would you respond if asked or directed, by any Administration official, to take an action that you believe is illegal? How would you respond if you were told you would face no personal accountability or adverse consequences for carrying out that action?

RESPONSE: This question poses a hypothetical that I do not expect to occur. If confirmed, I will always uphold my oath to support and defend the Constitution and follow the law.

25. How would you respond if asked or directed, by any Administration official, to take an action that you believe is unethical?

RESPONSE: Please see my answer to Question 24 above.

26. What is your understanding of the legal and procedural grounds on which a witness before Congress may decline to answer a question, including any applicable privileges or protections?

RESPONSE: I cannot address a hypothetical scenario without studying the specific facts and circumstances of the case.

27. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

RESPONSE: These responses were prepared with input from Department of Justice personnel. I reviewed each response personally. Where relevant, I consulted prior Department practice and legal guidance, including the Justice Manual and publicly available legal materials.

Questions for the Record
A. Tysen Duva – Nominee to be Assistant Attorney General, Department of Justice (DOJ), Criminal Division
Sen. Adam Schiff (CA)

1. During your confirmation hearing, you were asked several times about the Department's dismantling of the Public Integrity Section ("PIN"). You spoke about working with them in your past cases as an AUSA, calling it a "very good partnership." You also committed to "having a discussion with the Deputy Attorney General" about whether "there is a lane to build up that section and make it a more robust section than it is."

   a. Please explain why it is beneficial to have federal public corruption prosecutions overseen by a central unit within the Criminal Division.

      RESPONSE: Based on my experience, it is beneficial for United States Attorney's Offices to be able to consult with the Criminal Division on public corruption cases so that there is a consistent implementation of the Justice Manual in terms of how those matters are investigated and prosecuted.

   b. What are the potential harms associated with not having a "robust" public corruption section within the Criminal Division?

      RESPONSE: When such investigations and prosecutions are based solely on the facts and the law (and without consideration of the political party of the subject), there is no downside in my view.

   c. When you partnered with DOJ's Public Integrity Section as an AUSA, what was your experience working with that office?

      i. What specifically made your work together a "very good partnership?"

         RESPONSE: The Middle District of Florida and the Criminal Division (including PIN) worked hand in hand during all facets of the investigation and prosecution. The investigation and case were appropriately supervised, and decisions on how to proceed in both phases were made collaboratively and based on the tenets of the Justice Manual (then referred to as the United States Attorney's Manual).

      ii. Do you acknowledge that recent events have done damage to prosecutors' morale?

         RESPONSE: I cannot comment on the current morale of the Criminal Division (including those in and/or formerly with PIN). This is something I will evaluate.

iii. How will you undo the damage that recent events have done to prosecutors' morale in the office?

RESPONSE: I refer you to my answer in subpart ii. The same answer applies here.

iv. How will you assure prosecutors that they will be able to act independently without fear of retribution?

RESPONSE: I will inform the line attorneys and their supervisors that our work in the Criminal Division will be based on predicated facts, facts developed during grand jury investigations, and charging and litigation decisions will be based on the facts and the applicable law and Justice Manual policies.

d. In addition to your commitment to make PIN a more "robust section," will you commit to working with Deputy Attorney General Todd Blanche to reinstate suspended Justice Manual provisions which require PIN approval and/or consultation in certain sensitive cases?

RESPONSE: I will work with Deputy Attorney General Todd Blanche on all relevant matters relating to PIN and Justice Manual provisions.

2. In Volume I of Jack Smith's Final Report concerning the Trump investigations, Smith revealed that he "[c]onsulted with the Criminal Division's Public Integrity Section . . . pursuant to Justice Manual requirements pertaining to the service of subpoenas and other process on Members of Congress, the use of election fraud charges, and the Department's Election Year Sensitivities Policy."

a. During your time as an AUSA, did you ever consult PIN regarding service of subpoenas or other process on a Member of Congress?

RESPONSE: Yes.

b. During your time as an AUSA, did you ever consult PIN regarding the use of election fraud charges?

RESPONSE: No. I never had an election fraud investigation.

c. During your time as an AUSA, did you ever consult PIN regarding the Department's Election Year Sensitivities Policy?

RESPONSE: No. I never had an election fraud investigation.

d. If PIN receives a consultation request, does it have a duty to assess the facts and the law and provide a recommendation?

RESPONSE: Like all sections within the Criminal Division, PIN has a duty to act in accordance with the governing provisions of the Justice Manual and applicable policies and guidance from Department of Justice leadership.

e. Do you have any reason to believe that, during the Trump investigations, PIN did not faithfully apply the facts and the law during its consultations?

RESPONSE: I have no knowledge of how this occurred during the President Trump investigations. Any answer I give would be speculative, because I do not know.

3. Are you familiar with the events surrounding the dismissal of the criminal case against New York City Mayor Eric Adams in the Southern District of New York?

RESPONSE: Generally, No.

a. Under what circumstances would it be appropriate to dismiss federal public corruption charges against a public official?

RESPONSE: This is a very broad question, as each case has its own attendant and particular facts and circumstances. There are many such instances, including when the prosecution itself, whether by later developed facts and evidence or issues that arose in litigation, no longer complies with the policies in the Justice Manual.

b. Would you have concerns about a dismissal of federal corruption charges against a public official who promised to assist with the President's policy agenda?

RESPONSE: Any such dismissal would have to comport with the answer above in subsection a.

4. In *United States v. Corinne Brown*, ECF No. 221, Case No. 16-cr-93 (Nov. 9, 2017 M.D.F.L), the government's sentencing memorandum stated. "Leaders of American democracy owe a duty to the public to act within the law, uphold the highest ethical standards, and conduct themselves beyond reproach."

a. Did you draft and/or sign this sentencing memorandum?

RESPONSE: Yes.

b. Do you agree with the government's statement above in that case?

RESPONSE: Yes.

c. In your experience, what are the potential remedies for accountability when a public official fails to act within the law?

RESPONSE: Just like any citizen, public officials can face investigation and prosecution. There are also ethical oversight implications based on where the public official serves.

d. In your experience, what are the potential remedies for accountability when a Department of Justice employee fails to uphold the Department's ethical standards?

RESPONSE: When there are credible allegations of violations of ethical standards, Department of Justice employees can face Office of Professional Responsibility (OPR) investigations.

e. The sentencing memorandum also stated, "The public deserves honesty and transparency in its elected officials and public servant." Do you agree with that statement?

RESPONSE: Yes.

5. Recent reports have revealed that Tom Homan, Donald Trump's border czar, accepted $50,000 cash in a bag from an undercover FBI agent who was asking for help in securing government contracts if Donald Trump were to be re-elected. But the Trump Justice Department shut the probe down. The response to these reports from the administration has been deeply confusing. For instance, the first time Homan addressed the allegations, he did not deny taking the money but only insisted that he had done nothing illegal. Recently, Vice President J.D. Vance said the same. Attorney General Pam Bondi provided no clarification in response to reasonable inquiries from Senators during her oversight hearing, instead characterizing such questions as "smear[s]." Now, Homan has asserted that he never accepted any money.

a. Given that PIN was reportedly involved in the Homan matter, do you commit to reviewing the Homan case file and informing Congress of whether Homan accepted the $50,000, or any similar amount, from an undercover FBI agent?

RESPONSE: No. My understanding (from public reporting) is that this matter has been declined.

b. Given Congress' constitutional interest in oversight of executive spending, can you commit to reviewing the Homan case file and informing Congress as to the status of the $50,000, or any similar amount, including disclosing whether it was or was not returned to the FBI's possession by Homan?

RESPONSE: No. My understanding (from public reporting) is that this matter has been declined.

c. During your time as an AUSA, if the FBI had informed you that they had a close associate of a major political candidate on tape and audio accepting significant

amounts of money in exchange for promising to help an individual secure government contracts, would that have concerned you?

RESPONSE: This is a broad hypothetical. Any public corruption related inquiry brought to my attention by the FBI was evaluated based on the known facts and the law.

d. During your time as an AUSA, if the FBI had informed you that they had a close associate of a major political candidate on tape and audio accepting significant amounts of money in exchange for promising to help an individual secure government contracts, would you have continued monitoring that associate in the event he obtained a high-level government role?

RESPONSE: Same answer. Further, any such additional monitoring would have been based on appropriate predication and the facts that developed in that particular matter.

e. During your time as an AUSA, if the FBI had informed you that they had a close associate of a major political candidate on tape and audio accepting significant amounts of money in exchange for promising to help an individual secure government contracts, would you have ever decided to shut down the investigation right when the associate entered a high-level government role?

RESPONSE: Same answer. That never occurred while I was an AUSA. I cannot comment on when any investigation (that I was not involved in) was shut down or suspended, or for what specific reasons.

6. Federal white-collar crime enforcement has been declining for years. In a May 2025 memo ("Galeotti Memmo"), Acting Assistant Attorney General of the DOJ Criminal Division Matthew Galeotti laid out the top criminal enforcement priorities of the Trump administration. The memo notably failed to mention domestic corruption. What will you do to ensure that federal white-collar crime is prosecuted vigorously and fairly under your leadership?

RESPONSE: As the Galeotti Memo makes clear, combating white-collar crime is an important Department priority because it harms American citizens in a myriad of ways and enables criminals to thrive and profit from other crimes, including money laundering violations and narcotics distribution. The Criminal Division will remain focused on investigating and prosecuting white-collar crimes that pose the most significant threat to American interests.

a. In white-collar crime cases presented to you, can you commit to making decisions based on an honest assessment of the facts and the law, not whether the potential offender is an enemy or friend of the President?

RESPONSE: Yes. I will make decisions regarding the prosecution of white-collar crime based solely on an assessment of the facts, law, and Justice Manual policies.

b. In August 2025, Acting U.S. Attorney for the Central District of California Bill Essayli moved to dismiss the $47 million fraud indictment of Andrew A. Weiderhorn and FAT Brands, a fast-food executive who donated to President Trump and the company which operates Johnny Rockets and Fatburger. In the motion to dismiss, Essayli simply stated that the indictment did not fall into the list of enforcement priorities listed in the Galeotti Memo. Do you believe it is generally appropriate for U.S. Attorney's Offices to dismiss preexisting major white-collar crime cases based on the Criminal Division's prosecution priorities?

RESPONSE: The Criminal Division does not oversee the United States Attorneys' Offices, and I have no knowledge of the facts concerning this matter. I will support the Criminal Division's efforts to investigate and prosecute white-collar crimes consistent with Department policies and priorities.

c. Do you have any plans to revise the Galeotti Memo when you assume your position? If so, what do you plan to change or emphasize?

RESPONSE: The Galeotti Memo sets forth the Criminal Division's commitment to combating white-collar crime. I will evaluate all Criminal Division policies as needed to ensure they align with Department priorities and are appropriately tailored to further the mission of the Criminal Division.

7. Have you spoken to or communicated with Stephen Miller since Nov. 7, 2024? If so, please list the exact date and location of each communication.

RESPONSE: No.

8. Since your nomination, have you been briefed on any major or otherwise sensitive cases being pursued by the Criminal Division?

RESPONSE: No.

9. In a Bloomberg News report, several former colleagues of yours reportedly described how you "tend to work on complex cases alone" and have been "passed over for promotions to run the Jacksonville branch of the central Florida US Attorney's office." You are now nominated to lead the entire DOJ Criminal Division, where you will supervise over 1,100 federal prosecutors and staff. What is your response to these suggestions and how will you assure the American people that you are prepared to lead this Division?

RESPONSE: These suggestions are not true. I often worked cases as the sole prosecutor with a team of Agents, but I was always appropriately supervised. I was never "passed

over" for promotions within the Jacksonville Division. I remained on the line as a leader in the Middle District of Florida, working on many of its most complex matters and cases. I can assure the American people that my more than 18 years as an AUSA, my record as a federal prosecutor, the experience that I have obtained therefrom, and my natural leadership skills amply prepare me to lead the Criminal Division.

10. Bloomberg also reported that the President personally interviewed you for this position, which some former DOJ officials noted was unusual.

RESPONSE: This reporting is incorrect. President Trump never specifically interviewed me for the Assistant Attorney General of the Criminal Division position. We generally discussed a leadership position within DOJ, but not this specific position.

a. During that conversation, did President Trump ever discuss any of his personal grudges?

RESPONSE: No.

b. During that conversation, did President Trump ever suggest, imply or direct that you or the Justice Department should prosecute specific individuals?

RESPONSE: No.

c. During that conversation, did you discuss with the President any pending or potential prosecutions? Any past prosecutions, including his own?

RESPONSE: No.

11. On October 14, reports emerged that Rep. Jim Jordan requested former Special Counsel Jack Smith's testimony before the House Judiciary Committee in a closed-door setting. On October 23, Smith's lawyers responded in a letter which transmitted Smith's "request[] . . . to testify in open hearings before the House and Senate Judiciary Committees." The letter revealed that Smith "is prepared to answer questions about the Special Counsel's investigation and prosecution, but requires assurance from the Department of Justice that he will not be punished for doing so."

a. If you are confirmed to lead the Criminal Division, can you provide assurances that former Special Counsel Smith will not "be punished" by the Criminal Division for "answering questions about the Special Counsel's investigation and prosecution" in testimony before the House or Senate Judiciary Committees?

RESPONSE: As an Assistant United States Attorney, I have not previously been involved in Departmental authorization for former employees to testify before Congress and I am therefore not familiar with that process. If confirmed to lead the Criminal Division, I would only take or decline any action based on the relevant facts and the law.

b. The letter also states that "Mr. Smith needs guidance from the Department of Justice regarding federal grand jury secrecy requirements and authorization on the matters he may speak to regarding, among other things, Volume II of the Final Report of the Special Counsel, which is not publicly available." If confirmed, do you commit to providing such guidance to Mr. Smith?

RESPONSE: As an Assistant United States Attorney, I am unfamiliar with the process through which the Department provides guidance to former employees regarding congressional testimony. If confirmed, I would consult with appropriate Department personnel to determine whether the Criminal Division AAG plays a role, and I would abide by relevant Justice Department policies and procedures.

c. To prepare for his testimony, Mr. Smith's lawyers wrote that he "requires access to the Special Counsel files, which he no longer has the ability to access." If confirmed, do you commit to providing Mr. Smith access to the Special Counsel files if he is called to testify?

RESPONSE: As an Assistant United States Attorney, I am unfamiliar with the Department's procedures relating to providing former employees access to their government files in preparation for congressional testimony. If confirmed, I would consult with appropriate Department personnel to determine whether the Criminal Division AAG plays a role, and I would abide by relevant Justice Department policies and procedures.

d. If not you, which official or officials at DOJ are authorized to grant Mr. Smith's requests?

RESPONSE: Please see my response to 11(c).

12. Have you spoken or communicated with Lindsey Halligan since Nov. 7, 2024? If so, please list the exact date and location of each communication.

RESPONSE: No.

13. On October 20, 2025, Lawfare reporter Anna Bower published a lengthy exchange in which the Interim U.S. Attorney for the Eastern District of Virginia, Lindsey Halligan, berated Bower over the Signal messaging app for "biased" reporting. Since then, many have observed how Halligan's messages to Bower likely relied on grand jury information which is subject to secrecy requirements. Halligan later warned Bower: "Continue to do what you have been and you'll be completely discredited when the evidence comes out."

    a. Have you ever contacted a journalist or reporter about a pending criminal matter?

    RESPONSE: No.

    b. From your review of this article, do you believe Ms. Halligan's actions, as described above, were appropriate?

    RESPONSE: I have no knowledge of any facts surrounding this interaction.

    c. Do you believe Ms. Halligan's actions threatened grand jury secrecy?

    RESPONSE: I have no knowledge of any facts surrounding this interaction, and the Assistant Attorney General for the Criminal Division does not supervise the United States Attorneys.

    d. Would you recommend that Criminal Division prosecutors conduct themselves in the same manner?

    RESPONSE: Criminal Division prosecutors will abide by the Department policies and Justice Manual regarding media contacts.

    e. Model Rule 3.8, *Special Responsibilities of a Prosecutor*, provides that "except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose," prosecutors shall "refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused." Do you believe Ms. Halligan's actions were consistent with Rule 3.8?

    RESPONSE: Criminal Division prosecutors will abide by the Department policies and Justice Manual, as well as their state bar licensing authorities, regarding extrajudicial comments.

f. Justice Manual 1-7.210 provides that "DOJ personnel must report . . . any contact with a member of the media about a DOJ matter . . . If the contact concerns suspected classified or grand jury subject matter, DOJ personnel must immediately notify a supervisor." Do you believe Halligan's actions were consistent with Justice Manual 1-7.210?

RESPONSE: I have no knowledge of any facts surrounding this interaction, and the Assistant Attorney General of the Criminal Division does not supervise the United States Attorneys. Criminal Division prosecutors will abide by the provisions of the Justice Manual.

14. Have you spoken to or communicated with Emil Bove since Nov. 7, 2024? If so, please list the exact date and location of each communication.

RESPONSE: The Honorable Emil Bove was present for portions of my interview with Deputy Attorney General Todd Blanche on April 8, 2025.

Rutledge R. Liles
John A. DeVault, III
Howard C. Coker

Henry M. Coxe III
Michael G. Tanner
Michael Fox Orr

October 16, 2025

Via FedEx
The Honorable Charles Ernest Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Via FedEx
The Honorable Richard Joseph Durbin
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Andrew Tysen Duva

Dear Senator Grassley and Senator Durbin:

The undersigned have served or will serve the legal profession of Florida as presidents of The Florida Bar, whose membership now exceeds 113,000 attorneys.

We understand that the United States Senate Judiciary Committee will soon be reviewing the credentials and qualifications of Mr. Tysen Duva. Mr. Duva is a longtime Assistant United States Attorney in the office of the United States Middle District of Florida. We write to attest that based on both personal experience and reputation he would serve this nation well.

We recognize the enormous responsibilities which Mr. Duva would accept, and we want the United States Senate Judiciary Committee to know that we are very comfortable with our recommendation and support.

Very Respectfully,

Henry M. Coxe III
Former President, The Florida Bar

John A. DeVault, III
Former President, The Florida Bar

Howard C. Coker
Former President, The Florida Bar

Rutledge R. Liles
Former President, The Florida Bar

Michael G. Tanner
Former President, The Florida Bar

Michael Fox Orr
President-elect of The Florida Bar

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Alexander Coker Van Hook

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

United States District Judge for the Western District of Louisiana

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.

U.S. Attorney's Office for the Western District of Louisiana
300 Fannin Street, Suite 3201
Shreveport, Louisiana 71101

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

1970; Shreveport, Louisiana

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

1994 – 1997, Paul M. Hebert Law Center, Louisiana State University, J.D.; 1997

1989 – 1993, Centenary College of Louisiana, B.A.; 1993

1988 – 1989, Louisiana State University, No degree received

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

COMPENSATED EMPLOYMENT

1999 – 2025

United States Attorney's Office for the Western District of Louisiana
Tom Stagg Court House
300 Fannin Street, Suite 3201
Shreveport, Louisiana 71101
Acting United States Attorney (January 2025 – September 2025)
First Assistant United States Attorney (2024 – 2025)
Special Counsel to the United States Attorney (2022 – 2024)
First Assistant United States Attorney (2021 – 2022)
Acting United States Attorney (2020 – 2021)
First Assistant United States Attorney (2018 – 2020)
Acting/Interim United States Attorney (2017 – 2018)
First Assistant United States Attorney (2010 – 2017)
Deputy Criminal Chief (2007 – 2010)
Assistant United States Attorney (1999 – 2007)

1998 – 1999
The Honorable Tom Stagg
United States District Court for the Western District of Louisiana
Tom Stagg Court House
300 Fannin Street, Suite 4100
Shreveport, Louisiana 71101
Law Clerk

1997 – 1998
The Honorable Henry A. Politz
United States Court of Appeals for the Fifth Circuit
Tom Stagg Court House
300 Fannin Street, Suite 5226
Shreveport, Louisiana 71101
Law Clerk

1996 – 1997
Louisiana Governor Murphy J. Foster
Office of the Executive Counsel
900 Third Street Fourth Floor
Baton Rouge, Louisiana 70804
Law Clerk

Summer 1996
Thompson & Knight
1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201
Summer Associate

Summer 1996
Cook, Yancey, King & Galloway

333 Texas Street, Suite 1700
Shreveport, Louisiana 71101
Summer Associate

1993 – 1994
Premier Bank, NA
400 Texas Street
Shreveport, Louisiana 71101
Officer – Commercial Real Estate Department (1993 – 1994)

UNCOMPENSATED EMPLOYMENT

I currently serve and am listed as a "manager, member" for five family limited liability companies which own real estate and other investments. I am not compensated as a manager but receive passive income from the companies.

2024 – present
Pelican Perch Properties, L.L.C.
333 Texas Street, Suite 1700
Shreveport, Louisiana 71101

2023 – present
Elizabeth Land Minerals, L.L.C.
333 Texas Street, Suite 1700
Shreveport, Louisiana 71101

2022 – present
Youreeka Investments, L.L.C.
333 Texas Street, Suite 1700
Shreveport, Louisiana 71101

2021 – present
Albertsheirs, L.L.C.
333 Texas Street, Suite 1700
Shreveport, Louisiana 71101

2021 – present
Elizabeth Land Properties, L.L.C.
333 Texas Street, Suite 1700
Shreveport, Louisiana 71101

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 did not serve in the military. I registered for the selective service when I turned 18.

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.

To the best of my recollection, I have received the following awards:

United States Attorney's Office Outstanding Financial Litigation Program Award (2024)

United States Attorney's Office Outstanding Prosecution Award for Public Corruption (2023)

United States Secret Service Award of Appreciation for Outstanding Support (2019)

Department of Justice - Office of Inspector General (Houston Area Office) Award of Appreciation for Support of the DOJ-OIG Mission (2011)

Federal Bureau of Investigation Award for Demonstrated Excellence in Successfully Prosecuting a Major Criminal Case involving the prosecution of a public official who defrauded the Federal Emergency Management Agency (2011)

Federal Bureau of Investigation Award for Demonstrated Excellence in Successfully Prosecuting a Major Criminal Case involving the prosecution of an art forger (2011)

Executive Office for United States Attorneys Director's Award for Superior Performance by a Litigative Team (2010)

Organized Crime Drug Enforcement Task Force (Southeast Region) Award for Outstanding Case (2008, 2002)

Inducted into Kappa Apha Order's Horace H. White Court of Honor (approximately 2007)

Executive Office for United States Attorneys Director's Award for Superior Performance as an Assistant United States Attorney (2002)

Louisiana Narcotics Officers Association Prosecutor of the Year Award (2001)

LSU Law School honors include:

LSU Law Center Hall of Fame (1997)
Order of the Coif (1997)
General Academic Scholarship (1996 – 1997)
Wex Malone Inn of Court Scholarship (1996 – 1997)
Chancellor's List (1994 – 1997)
Judge Earl Veron Scholarship (1996)
Louisiana Law Review (1996)
Stone Pigman Scholarship (1995 – 1996)

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

Louisiana State Bar Association (admitted 1997)

Federal Bar Association – North Louisiana Chapter (intermittent)

Shreveport Bar Association
Board Member – Young Lawyers Section (1997 – 1998)

Louisiana Supreme Court Committee on Bar Admissions (2022 – present)
Criminal Law Assistant Examiner (2022 – present)

10. **Bar and Court Admission**:

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

Louisiana, 1997

To my knowledge, there have been no lapses in membership.

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

United States Court of Appeals for the Fifth Circuit, 1997

United States District Court for the Western District of Louisiana, 1999

To my knowledge, there have been no lapses in membership.

11. **Memberships**:

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

To the best of my recollection:

Centenary College of Louisiana
President's Advisory Committee (2008 – 2009)

Kappa Alpha Order (1989 – 2007)
Deputy Province Commander (1997 – 2007)

St. Mark's Episcopal Cathedral (1988 – present)
Vestry Member (2005 – 2008)

The Cotillion Club (1992 – present)

The Shreveport Club (1997 – present)

The Stateline Fishing and Hunting Club (1997 – present)
Secretary (2024 – present)
Director (2023 – present)
Director (2000 – 2015)

In addition, I regularly make financial contributions to charitable organizations. Such organizations may list me as a member based on these contributions. I have not listed all organizations to which my contributions are solely financial.

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Kappa Alpha Order is an all-male national social fraternity. The chapter I belonged to was part of the Greek system at Centenary College of Louisiana, which also has all-female sororities.

To my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

In my capacity as Acting or Interim United States Attorney, I issued or published on the internet over 400 press releases. Copies of those releases can be found on the United States Attorney's Office website at https://www.justice.gov/usao-wdla/pr. I issued press releases on behalf of the office from March 13, 2017, to March 29, 2018; August 14,

2020, to December 8, 2021; and January 20, 2025, to September 29, 2025.

I have done my best to identify any other published material, including a thorough review of my personal files and searches on publicly available electronic databases. I do not recall any other publications and do not believe that I have ever published any materials except in my official capacity as a Department of Justice employee at the United States Attorney's Office.

b. Supply 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 known.

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

None known.

d. Supply 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 knowledge, all public speeches or talks delivered by me have been made in my capacity as a Department of Justice employee at the United States Attorney's Office. I do not recall giving speeches or talks in my private capacity.

Most of my remarks are extemporaneous. I frequently speak without notes, use the text of a speech from a prior occasion, or use handwritten notes that are not retained. The following is a list of all of the speeches and presentations that I could find and are illustrative of the types of remarks I frequently gave. In many cases, the dates are approximate and were taken from the file creation date of the notes or outlines that were retained.

July 21, 2025: Speaker, "Presentation of case award at the North Louisiana Crime Lab to DNA Analyst Kari Dickins," Shreveport, Louisiana. I have no notes, transcript, or recording. The address of Crime Lab where I presented the award is 1630 Tulane

Avenue, Shreveport, Louisiana 71103.

June 18, 2025: Speaker, "Retirement presentation to ATF Task Force Officer Triche Passman," Monroe, Louisiana. Copy of remarks provided.

June 16, 2025: Speaker, "Presentation to Louisiana Second Circuit Law Clerks," Shreveport, Louisiana. Copy of PowerPoint and rough outline provided.

April 25, 2025: Panelist, "DOJ Practices and Priorities – What to Expect," Federal Bar Association Spring Seminar, Lafayette, Louisiana. Copy of PowerPoint and rough outline provided.

March 18, 2025: Speaker, "Presentation of case awards to DEA Task Force Officers Rick Anderson and Erick Adams," United States Attorney's Office in Shreveport, Louisiana. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office Shreveport is 300 Fannin Street, Shreveport, Louisiana 71101.

February 5, 2025: Speaker, "Presentation to class at Providence Classical Academy on the United States Attorney's Office, federal criminal law, and investigative techniques," Bossier City, Louisiana. Copy of PowerPoint and rough outline provided.

October 27, 2021: Speaker, "Presentation to class at Caddo Magnet High School on the U.S. Attorney's Office, federal criminal law, and investigative techniques," Shreveport, Louisiana. Copy of PowerPoint and rough outline provided.

October 6, 2021: Speaker, "The Prosecutors' Perspective," Shreveport Bar Association CLE, Shreveport, Louisiana. Copy of presentation materials and rough outline provided.

June 8, 2021: Speaker, "Welcoming remarks to the ATF Violent Crime Abatement Team," Bossier Parish Community College, Bossier City, Louisiana. I have no notes, transcript, or recording. The address of Bossier Parish Community College is 6220 East Texas Street, Bossier City, Louisiana 71111.

January 27, 2021: Speaker, "Presentation to local law enforcement officers for their support and contributions to the Project Safe Neighborhoods Initiative," United States Attorney's Office, Shreveport, Louisiana. I have no notes, transcript, or recording. Copy of press release provided.

December 16, 2020: Speaker, "Awards presentation to members of the Lafayette/Lake Charles Violent Offender Task Force," United States Courthouse in Lafayette, Louisiana. I have no notes, transcript, or recording. The address of the U.S. Courthouse is 800 Lafayette Street, Lafayette, Louisiana 70501.

December 9, 2020: Speaker, "Awards presentation to members of the Central Louisiana Violent Offender Task Force," United States Courthouse in Alexandria, Louisiana. I have no notes, transcript, or recording. The address of the U.S. Courthouse in Alexandria is

515 Murray Street, Alexandria, Louisiana 71301.

October 20, 2020: Speaker, "Awards presentation to members of the Shreveport Violent Offender Task Force," United States Attorney's Office in Shreveport, Louisiana. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office in Shreveport is 300 Fannin Street, Shreveport, Louisiana 71101.

June 26, 2019: Speaker, "Welcoming remarks for the South-Central U.S. Human Trafficking Conference," Louisiana State University – Shreveport, Shreveport, Louisiana. Copy of remarks provided.

October 11, 2018: Speaker, "Welcoming remarks for the local Human Trafficking Conference," Louisiana State University – Shreveport, Shreveport, Louisiana. Copy of remarks provided.

April 18, 2018: Panelist, "After School Presentation on the Dangers of Opioids," Byrd High School, Shreveport, Louisiana. Copy of remarks provided.

March 15, 2018: Speaker, "Presented case award to FBI Special Agent Chris Plants," United States Attorney's Office in Shreveport, Louisiana. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office is 300 Fannin Street, Shreveport, Louisiana 71101.

March 1, 2018: Speaker, "Presentation of Awards to DEA Agents and Task Force Officers," United States Attorney's Office, Shreveport, Louisiana. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office is 300 Fannin Street, Shreveport, Louisiana 71101.

February 15, 2018: Speaker, "Presentation of Awards to ATF Case Agents," U.S. Attorney's Office in Shreveport, Louisiana. I have no notes, transcript, or recording. The award was presented at the U.S. Attorney's Office which is located at 300 Fannin Street, Shreveport, Louisiana 71101.

December 7, 2017: Speaker, "Presentation of awards to FBI Safe Streets Task Force agents and law enforcement officers for their role in dismantling a dangerous drug trafficking gang in Lafayette," Lafayette, Louisiana. Copy of remarks provided.

October 3, 2017: Speaker, "Welcoming Remarks," National Night Out, Shreveport, Louisiana. I have no notes, transcript, or recording. The address of National Night Out is 1234 Texas Avenue, Shreveport, Louisiana 71101.

July 28, 2017: Speaker, "Welcoming Remarks," South-Central U.S. Human Trafficking Conference, Louisiana State University – Shreveport, Shreveport, Louisiana. I have no notes, transcript, or recording. The address of Louisiana State University is One University Place, Shreveport, Louisiana 71115.

December 18, 2015: Guest Speaker, "Lafayette Bar Association CLE. Technology – Professional Considerations," Lafayette, Louisiana. Copy of PowerPoint and rough outline provided.

November 13, 2014: Guest Speaker, "25th Annual Fort Polk Continuing Legal Education Seminar, Federal Practice," Leesville, Louisiana. Copy of course materials and PowerPoint provided.

June 2014: Guest Speaker, "Meeting of the Shreveport Chapter," NAACP, Shreveport, Louisiana. Copy of PowerPoint provided.

August 15, 2013: Keynote Speaker, "The Importance of Prosecuting Synthetic Drug Cases," Annual Banquet of the Louisiana Narcotics Officers Association, New Orleans, Louisiana. Copy of rough outline provided.

December 7, 2012: Speaker, "Presentation to the Young Lawyers Section," Louisiana Fourth Judicial District Bar Association – Federal Practice, Monroe, Louisiana. Copy of course materials and rough outline provided.

December 2012 (exact date unknown): Panelist, "Presentation to a Visiting Delegation of Judges from Turkey," Shreveport Bar Association, Shreveport, Louisiana. Copy of rough outline provided.

Spring 2012 to Spring 2025: Each spring during this period, I lectured to an MBA Business Law class at Centenary College. The class was taught by United States District Judge S. Maruice Hicks, Jr. I generally talked about what the United States Attorney's Office does and highlighted some cases we have prosecuted. I modified the same outline for the presentation from year to year and have not retained all prior copies. Shreveport, Louisiana. Copy of rough outline and PowerPoint provided.

April 13, 2012: Panelist, "French Quarter Fest CLE – 4th Annual White Collar Crime Symposium," Louisiana State Bar Association, New Orleans, Louisiana. I have no notes, transcript, or recording. The address of the Louisiana State Bar Association is 602 St. Charles Avenue, New Orleans, Louisiana 70136.

March 2008 (exact date unknown): Panelist, "Federal Criminal Practice," Shreveport Bar Association, at the United States Courthouse in Shreveport, Louisiana. I have no notes, transcript, or recording. The address of the Shreveport Bar Association is 625 Texas Street, Shreveport, Louisiana 71101.

March 2008 (exact date unknown): Presenter, "Federal Criminal Fraud Statutes — Presentation to the Louisiana Legislative Auditor's Staff and Louisiana State Police Troopers on federal law and criminal procedure," Baton Rouge, Louisiana. I have no notes, transcript, or recording. The address of the Louisiana Legislative Auditor is 1600 North Third Street, Baton Rouge, Louisiana 70802.

November 6, 2007: Presenter, "Federal Role in the War on Drugs – Dismantling Drug Trafficking Organizations," given to undergraduate criminal justice class at Louisiana State University – Shreveport, Shreveport, Louisiana. Copy of PowerPoint provided.

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 copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including a search of my personal files and searches of publicly available electronic databases. Despite my searches, there may be materials that I have been unable to find. I have given many short interviews at various law enforcement events that I have been unable to find. I have located the following:

Press conference, *Five, including two police chiefs, indicted on 10-year visa fraud scheme in western Louisiana*, WBRZ2 News, July 16, 2025. A complete recording of the press conference can be found at https://www.wbrz.com/news/five-including-two-police-chiefs-indicted-on-10-year-visa-fraud-scheme-in-western-louisiana/.

Interview, *Acting U.S. attorney weighs in on how his office prosecutes drug cases*, KSLA News, April 1, 2025. Recording available at https://www.ksla.com/video/2025/04/01/acting-us-attorney-weighs-how-his-office-prosecutes-drug-cases/.

Press conference, *'High-level drug traffickers' indicted in Ruston, Monroe investigation*, KNOE8 News, March 27, 2025. A complete recording of the press conference can be found at https://www.knoe.com/2025/03/27/high-level-drug-traffickers-indicted-ruston-monroe-investigation/.

Brian McCallum, *Acting U.S. Attorney: Fraud prosecutions 'pretty steady' in Western District of Louisiana*, The Shreveport-Bossier Advocate, March 20, 2025. Copy supplied.

Patrick Donner, *Alleged Scheme Targeted Older USAA Bank Patrons*, San Antonio Express News, April 27, 2024. Copy supplied.

Gwendolyn Ducre, *Governor Kept Mum Amid Conflicting Accounts of Deadly Arrest*, ASSOCIATED PRESS, February 3, 2022. Copy supplied.

Gary Hines, *U.S. Attorney 'I'm disturbed by the firepower we're seeing; I'm not surprised,'* KTBS Online Article, November 16, 2021. Copy supplied.

Interview, *U.S. Attorney Alexander Van Hook, Western District of LA*, KTBS News, November 16, 2021. Recording available at https://www.ktbs.com/u-s-attorney-alexander-van-hook-western-district-of-la/video_0f10455c-5eef-5244-8c7c-1d29f97a2819.html.

Interview, *Alec Van Hook: Feds Help Shreveport Fight Crime*, 710 KEEL News, October 2021 (exact date unknown). Recording available at https://www.youtube.com/watch?v=qOVyqgw3LII.

Press conference in Shreveport, Louisiana to announce that the City of Shreveport Police Department was chosen to participate in the Public Safety Partnership with the United States Department of Justice, October 12, 2021. I was unable to find a recording of the event or a copy of the remarks made. The remarks were given at the U.S. Attorney's Office which is located at 300 Fannin Street, Shreveport, Louisiana 71101.

Interview, *Officials Targeting Covid-19 Fraud*, Governance Risk & Compliance Monitor Worldwide, April 23, 2021. Copy supplied.

Interview, *Acting U.S. Attorney Alec Van Hook on crime in our community*, 710 KEEL News, Robert & Erin, December 8, 2020. Recording available at https://www.youtube.com/watch?v=nGRZrftonNQ.

Press conference, *Federal, State and Local Agencies Work Together to Curb Gun Violence in Shreveport*, September 15, 2020. Recording available at https://www.youtube.com/watch?v=erbfwLKbz0E.

Press conference in Winnfield, Louisiana to announce the arrest of 20 Winn Parish suspects involved in methamphetamine trafficking, October 4, 2017. I was unable to find a recording of the event or a copy of the remarks made. A story related to the news conference can be found at https://www.knoe.com/content/news/Multiple-agencies-arrest-20-people-in-meth-bust--449517963.html.

Press conference, *U.S. Attorney announces indictment of alleged Shreveport gang*, July 11, 2017. Partial recording available at https://www.shreveporttimes.com/videos/news/2017/07/11/u.s.-attorney-announces-indictment-alleged-shreveport-gang/103601644/.

Interview, according to my recollection and a calendar entry, I was interviewed by a reporter with KADN News in Lafayette, Louisiana on May 17, 2017, to discuss the heroin and opioid epidemic in south Louisiana. I have been unable to find a copy of the interview.

Interview, *Area Law Enforcement Receives $800K in Bust*, The Shreveport Times, January 12, 2017. Copy supplied.

Press conference in Lafayette, Louisiana to announce the indictment of nine individuals for methamphetamine trafficking, November 20, 2014. I was unable to find a recording of the event or a copy of the remarks made. A news story related to the press conference is attached.

Billy Gunn, *Lucky Sentenced to 25 Months in Art Forgery Case*, Alexandria Daily Town

Talk, January 4, 2012. Copy supplied.

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

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

As noted above, I have served as Acting United States Attorney on three occasions by virtue of the Vacancies Reform Act. In January 2018, I was appointed Interim United States Attorney by Attorney General Jeff Sessions.

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.

Prior to reaching the age 18, I volunteered for the 1987 Louisiana Gubernatorial campaign of Buddy Roemer and for the 1986 Shreveport Mayor campaign of John Hussey. My work related to both campaigns was primarily installing yard signs for individuals who requested them.

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

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

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

From 1997 to 1998, I served as a clerk to Chief Judge Henry A. Politz, United States Fifth Circuit Court of Appeals.

From 1998 to 1999, I served as a clerk to Judge Tom Stagg, United States District Court for the Western District of Louisiana.

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

I have not practiced law alone.

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

Other than my clerkships, my entire legal career from 1999 to 2025 has been spent as an Assistant United States Attorney at the United States Attorney's Office for the Western District of Louisiana.

United States Attorney's Office
300 Fannin Street, Suite 3201
Shreveport, Louisiana 71101

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.

b. Describe:

i. the general character of your law practice and indicate by date when its

character has changed over the years.

From 1997 to 1999, I worked as judicial law clerk, spending one year at the Fifth Circuit Court of Appeals and one year at the United States District Court for the Western District of Louisiana. I conducted legal research on civil and criminal matters and prepared draft opinions.

From 1999 to September 2025, I have served in various positions in the United States Attorney's Office. Approximately 98 percent of my litigation work is criminal and about two percent is civil. During the course of my career, I have prosecuted hundreds of cases. My courtroom experience included presenting cases to the grand jury, litigating pretrial matters before magistrate judges (such as detention hearings and motions to suppress), and participating in guilty plea hearings, contested sentencing hearings, and trials. My civil experience was primarily limited to asset forfeiture litigation and recovering assets on behalf of the government and victims of crime.

Since 2007, I have served in various supervisory positions to include Deputy Criminal Chief, First Assistant United States Attorney, and Acting/Interim United States Attorney. As First Assistant, I managed the day-to-day operations of the office and worked to advance the priorities of the Attorney General and United States Attorney. Despite the administrative nature of these jobs, I always maintained an active caseload and litigated in the district court.

Although most of my experience is in criminal law, as First Assistant I supervised the Civil Chief. As part of this work, I approved the initiation and settlement of lawsuits and gained familiarity with the civil statutory framework including the Federal Torts Claim Act and the False Claims Act.

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

I have represented the United States and its agencies throughout my legal career.

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.

My practice has focused exclusively on litigation. The frequency of my court appearances has varied from year to year. As an Assistant United States Attorney, I was in court multiple times a week. As First Assistant and Acting United States Attorney, most litigation is handled by Assistant United States Attorneys. However, I always

maintained a case load because I thought it was important to understand the challenges faced by federal agents, Assistant United States Attorneys, and the court. For example, in April 2024, I charged a 21-defendant bank fraud case which required me to appear in court regularly while serving as First Assistant and Acting United States Attorney.

i. Indicate the percentage of your practice in:

1.	federal courts:	100%
2.	state courts of record:	__%
3.	other courts:	__%
4.	administrative agencies:	__%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	2%
2.	criminal proceedings:	98%

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.

During my career, I have completed approximately eighteen jury trials. I was sole counsel on four of those trials, lead counsel on six, and co-counsel on the remainder. The cases that I prosecute tend to be complex and my trials tend to be longer, averaging a week or more. All of my trials have been connected with criminal cases, and I have secured convictions in every case that I have tried. In two multi-defendant cases, one defendant was acquitted, and the other was found guilty.

i. What percentage of these trials were:

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

e. Describe your practice, if any, before the Supreme Court of the United States. Supply 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 not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Wilson*, Case No. 5:00-CR-50050 (W.D. La.) (Judge Donald E. Walter) (Representation: 1999 – 2002)

I served as co-counsel in the investigation and prosecution of Calvin Odom a/k/a Butch Wilson. Odom was the head of a Los Angeles-based cocaine trafficking and money laundering operation. The organization transported large quantities of cocaine from Los Angeles to Shreveport, Louisiana, and used fictitious senders to initiate Western Union transactions to launder the proceeds. Evidence at Odom's trial established that he used violence and threats of violence to advance the drug trafficking enterprise. Odom was convicted at trial of conspiracy to distribute cocaine and money laundering and was originally sentenced to life imprisonment.

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Opposing Counsel:

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2. *United States v. Wharton*, Case No. 5:00-CR-50066 (W.D. La.) (Judge Donald E. Walter) (Representation: 2000 – 2003)

I served as co-counsel in the investigation and prosecution of Curtis A. Wharton. This case involved a $2.5 million insurance fraud scheme where Wharton and his wife conspired to fake her death in Haiti to collect life insurance proceeds. When Mrs. Wharton began to have second thoughts, Wharton hired a hitman to kill her on an isolated road near Port-au-Prince on January 15, 2000. Due to pre-trial publicity, the trial was moved to New Orleans and took approximately one month to complete. The trial was complicated by the need to secure witnesses from Haiti who were not subject to the court's subpoena power. This was one of the first cases to use the extra-territorial

jurisdiction provisions of Title 18, United States Code, Section 1119. Wharton was convicted on all counts and was sentenced to life imprisonment and ordered to pay a $2.5 million fine. *United States v. Wharton*, 320 F.3d 526 (5th Cir. 2003).

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3. *United States v. Thornhill et al.*, Case No. 3:03-CR-10022 (W.D. La.) (Judge Dee D. Drell) (Representation: 2002 – 2005)

I served as sole counsel in the investigation and prosecution of William Thornhill and Robert Thomas. The defendants conspired to defraud a group of Alexandria, Louisiana, investors out of over one million dollars with promises of huge returns related to gold and currency allegedly stored in Nigeria. The defendants were convicted at trial, and each was sentenced to 96 months imprisonment.

Opposing Counsel:

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4. *United States v. Thompson et al.*, Case No. 5:03-CR-50033 (W.D. La.) (Judge Donald E. Walter) (Representation: 2003 – 2005)

I served as co-counsel in the prosecution of an armored car robbery ring led by Larry Thompson. On March 13, 2003, Thompson, Regan Gatti, and four other men emerged from a Suburban and used AK-47 rifles and semi-automatic handguns to rob the driver and other guard of an armored car making a delivery of cash at the Hibernia Bank in Shreveport, Louisiana. After stealing approximately $780,000 in cash from the guards, the defendants drove the Suburban to a nearby apartment complex, transferred the money to a getaway van, and doused the Suburban with gasoline. While the van was being pursued by the police, Gatti and others fired shots from the van and injured a police officer allowing the van to enter a residential neighborhood where the defendants jumped out. While in the neighborhood, Gatti exchanged gunfire with the police. Gatti was convicted at trial and was sentenced to 240 months imprisonment. Thompson and the remaining defendants pled guilty and received sentences ranging from 240 to 300 months imprisonment.

Co-Counsel:

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5. *United States v. King*, Case No. 5:06-CR-50096 (W.D. La.) (Judge S. Maurice Hicks, Jr.) (Representation: 2005 – 2007)

I served as lead counsel in the investigation and prosecution of Ronald King. King was the head of an extensive cocaine trafficking and money laundering operation that trafficked drugs from Dallas to Shreveport, Louisiana, between 1998 and 2006. The investigation utilized sophisticated financial analysis and other investigative techniques including wiretaps. In 2007, King was convicted at trial and sentenced to 400 months imprisonment. *United States v. King*, 541 F.3d 1143 (5th Cir. 2008).

Opposing Counsel:

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6. *United States v. Walker et al.*, Case No. 5:07-CR-50097 (W.D. La.) (Judge S. Maurice Hicks, Jr.) (Representation: 2005 – 2008)

I served as lead counsel in the investigation and prosecution of Michael Walker and Vernon Claville, two elected judges in Caddo Parish, Louisiana. Walker and Claville accepted bribes to reduce bonds and release defendants appearing before them from custody. This case involved a long-term investigation utilizing wiretaps and other complex investigative techniques. A jury found the defendants guilty of violating the Racketeer Influenced and Corrupt Organizations Act. The trial judge departed upward from the recommended sentencing guidelines and sentenced Walker to 120 months and Claville to 60 months imprisonment.

Co-Counsel:

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(318) 222-5200

7. *United States v. Toye et al.*, Case No. 1:10-CR-00055 (W.D. La.) (Judge Dee D. Drell) (Representation: 2009 – 2012)

I served as lead counsel in the investigation and prosecution of William J. Toye, Beryl Toye, and Robert Lucky. William Toye was an art forger in Baton Rouge, Louisiana, who painted in the styles of various artists including Gauguin, Renoir, and Monet. In his later years, Toye forged Clementine Hunter paintings and conspired with Lucky to sell them to unwitting art collectors. Toye's wife, Beryl Toye, helped advance the scheme by providing false provenance for the paintings. Lucky worked at a high-end antique store in New Orleans and fraudulently used the stellar reputation of that firm to lend legitimacy to the scheme. While paying Toye $1,000 or less for each painting, Lucky sold them to collectors for $5,000 or more. During the conspiracy, Lucky obtained approximately $400,000 from investors. The defendants were charged with conspiracy, wire fraud, and mail fraud and each pled guilty. Due to their advanced age and poor health, the Toyes were sentenced to supervised probation. Lucky was sentenced to 25 months imprisonment.

Co-Counsel:

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Opposing Counsel:

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203 Brentwood Blvd.

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(337) 247-7359

Paul J. Carmouche
Carmouche Bokenfohr et al.
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Shreveport, Louisiana 71105
(318) 629-0014

James E. Boren
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Baton Rouge, Louisiana 70802
(225) 387-5786

8. *United States v. Gilmore et al.*, Case No. 3:10-CR-00200 (W.D. La.) (Judge Donald E. Walter) (Representation: 2012 – 2013)

I served as lead counsel in the public corruption retrial of Monroe, Louisiana City Councilman Arthur Gilmore. Gilmore and his colleague Monroe City Councilman Robert Stephens were originally convicted in May 2011 of racketeering and extortion for taking bribes from a person with business before the City Council. In 2012, the defendants filed a motion for new trial alleging issues with the original conviction. After the motion was filed, the United States Attorney agreed that the defendants should receive a new trial. Another Assistant United States Attorney and I were tasked with dealing with the ramifications of the allegations raised in the motion for new trial and retrying the case. Stevens pled guilty shortly before trial and Gilmore was found guilty by the trial jury. Stephens was sentenced to 20 months imprisonment and Gilmore was sentenced to 24 months imprisonment.

Co-Counsel:

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(318) 525-6735

Opposing Counsel:

Carey B Underwood
Davenport Files & Kelly
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Monroe, Louisiana 71211
(318) 387-6453

Charles L. Kincade (deceased)

9. *United States v. Spann*, Case No. 5:18-CR-00232 (W.D. La.) (Judge S. Maurice Hicks, Jr.) (Representation: 2022 – 2023)

I served as co-counsel in the prosecution and trial of Carlos A. Spann. Spann was the leader of a counterfeit check cashing ring. Spann and his co-conspirators counterfeited checks and identification documents and negotiated dozens of counterfeit checks throughout Texas and Louisiana. A jury convicted Spann at trial, and he was sentenced to 120 months imprisonment and ordered to pay approximately $400,000 in restitution.

Lead Counsel:

Tiffany E. Fields
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400 North Tampa Street
Tampa, Florida 33602
(813) 301-3096

Opposing Counsel:

Stephen A Glassell
900 Pierremont Road, Suite 111
Shreveport, Louisiana 71106
(318) 865-4357

10. *United States v. Sanford et al.*, Case No. 5:22-CR-00209 (W.D. La.) (Judge Elizabeth E. Foote and Judge Donald E. Walter) (Representation: 2022 – 2023)

I served as sole counsel in the investigation and public corruption prosecution of Harold W. Sanford, Jr. and Mitchell Morehead. Sanford was a Sergeant with the Bossier City, Louisiana Police Department and the President of the Bossier City Police Union. Morehead, who had years of run-ins with law enforcement, was hired by Sanford to raise funds for the police union. Sanford and Morehead would solicit money from area businesses by claiming that the money would support children's charity work supported by the Bossier City Police Union. In fact, Sanford and Morehead kept the bulk of the money themselves. The investigation used complicated investigative techniques including wiretaps that also revealed that Sanford and Morehead were illegally obtaining prescription drugs. Due to his criminal history, Morehead was detained at the time of indictment and was sentenced to time served. Sanford pled guilty and was sentenced to one year of imprisonment and ordered to pay restitution to the Bossier City Police Union.

Opposing Counsel:

Sarah Russell Giglio
Gilmer & Giglio

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Betty Lee Marak
Federal Public Defender's Office
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Shreveport, LA 71101
(318) 676-3310

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

I have not engaged in any lobbying work.

Since 2007, I have had supervisory duties that do not directly involve litigation. As Deputy Criminal Chief, I managed Criminal Division Assistant United States Attorneys and support staff. I also was responsible for assigning cases and deciding which cases the office would accept for prosecution.

As First Assistant, I supervised the Appellate Chief, the Criminal Chiefs, the Civil Chief, the Administrative Officer, and the Assistant United States Attorney in charge of the Western District's Litigation Technology Unit. I played a key role in drafting and maintaining the district's Criminal Division Manual, Prosecution Guidelines, and Standard Plea Agreement.

In 2017, I established the Western District's Litigation Technology Unit. This unit automated the collection of evidence and the discovery process to ensure that evidence is easily reviewable and provided to opposing counsel in a timely manner. Our Litigation Technology Unit is recognized as one of the best in the United States and has brought our technology capability to a level comparable with some of the nation's largest law firms.

I have also participated in the investigation of hundreds of cases that have not gone to trial. Many of these cases were highly complex and were resolved by guilty pleas. For example, for several years I was involved in the investigation and prosecution of a defendant who orchestrated an elaborate Ponzi scheme with an intended loss of approximately $100 million. This case involved protracted pretrial ligation. In 2022, the defendant was sentenced to 180 months imprisonment and ordered to pay over $52 million in restitution.

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

I have never taught a course. I have spoken to high school, college, and law school classes to include the summer trial advocacy program at LSU Law School.

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

None.

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

No.

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

In September 2025, I filed financial disclosures pursuant to the Ethics in Government Act of 1978. When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, I will recuse myself from any litigation that was opened and handled by the United States Attorney's Office during my employment there.

For any other matters, I will evaluate any other real or potential conflict on a case-by-case basis and determine the appropriate action to include recusal when necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances. In situations that present actual conflicts of interest based on my current or prior positions at the Department of Justice, I would recuse myself from any cases in which I was personally involved as a prosecutor or supervisor. In situations involving potential conflicts of interest, I would disclose all relevant information to the parties, allow the parties to be heard, and then rule on any recusal motion based upon the application of all relevant authorities and guidance.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As an attorney for the United States, my ability to engage in the outside practice of law is very limited. While working for the United States Attorney's Office, I served as a judge for a local high school mock trial team and worked with students in the classroom at the high school college, and law school level.

As the First Assistant and Acting United States Attorney, I encouraged the attorneys and staff to engage in the community where appropriate. The office participated in community service projects ranging from to food drives to hurricane relief. I have participated in Feds Feed Families, Paint Your Heart Out Shreveport and Shreveport Green Cleanup Day. Feds Feed Families is an annual food drive that we coordinated with a local recuse mission. Paint Your Hear Out Shreveport is an annual paint program where volunteers paint the homes of elderly and disadvantaged people in the community. Shreveport Green is an area nonprofit that hosts an annual cleanup day in the city. The United States Attorney's Office participates in these events to promote an understanding that addressing urban blight can help reduce crime.

As a regional advisor for my college fraternity I worked with young people to discourage practices that could lead to alcohol abuse or hazing. As a member of the vestry of my church, I worked on issues of housing and healthcare for disadvantaged people in our community. My wife and I also provide financial support to a faith-based organization dedicated to breaking the cycle of poverty and crime for young people in an inner-city neighborhood in Shreveport.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your

jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In December 2024, I submitted an online application to Senator John N. Kennedy asking to be considered for United States Attorney or United States District Judge for the Western District of Louisiana. On January 29, 2025, I received an email from a member of Senator Kennedy's staff asking me to supply a resume. On June 29, 2025, I received an email from Senator Kennedy's office asking if I would be available to travel to Washington, D.C. in July to interview with Senator Kennedy for the United States Attorney vacancy for the Western District of Louisiana. Working with his staff, we agreed that I would meet with Senator Kennedy on the afternoon of July 9, 2025.

On the morning of July 9, 2025, I received a call from a member of Senator Kennedy's staff asking if I would also like to be considered for the vacant United States District Judge position for the Western District of Louisiana, and I said that it would be an honor to be considered as I had submitted an application for both positions. I met with Senator Kennedy that afternoon. On July 16, 2025, I received a call from a member of Senator Kennedy's staff advising that Senator Kennedy was likely going to recommend me to the White House for the district judge position.

On August 15, 2025, I received an email from the White House Counsel's Office asking if I could travel to Washington, D.C. for an interview. I interviewed with a group of people at the White House Counsel's Office on August 21, 2025. On September 4, 2025, I received an email from the White House Counsel's Office saying that the President was considering nominating me to the United States District Court for the Western District of Louisiana and asking that I begin working with the Department of Justice's Office of Legal Policy on the nomination process. Since that time, I have had periodic contact with the White House Counsel's Office and the Office of Legal Policy.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		132	899	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	12	205	702	Notes payable to relatives			
Unlisted securities		125	000	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		186	146
Real estate owned – see schedule	4	281	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		250	000				
Cash value-life insurance							
Other assets itemize:							
Oil and Gas Interests – Texas		20	000				
Oil and Gas Interests – Louisiana		20	000				
				Total Liabilities		186	146
				Net Worth	16	848	455
Total Assets	17	034	601	Total Liabilities and Net Worth	17	034	601
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)			No
On leases or contracts				Are you defendant in any suits or legal actions?			No
Legal Claims				Have you ever taken bankruptcy?			No
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Alphabet, Inc.	$775,788
Apple, Inc.	3,067,581
Berkshire Hathaway, Inc.	3,123,329
Exxon Mobil Corporation	510,055
Fidelity 529 Account #1	48,479
Fidelity 529 Account #2	22,683
Fidelity S&P 500 Mutual Fund (FXAIX) #1	184,016
Fidelity S&P 500 Mutual Fund (FXAIX) #2	98,276
Fidelity S&P 500 Mutual Fund (FXAIX) #3	2,339
Fidelity S&P 500 Mutual Fund (FXAIX) #4	2,257
Southern Company	82,620
The Home Depot, Inc.	163,181
Thrift Savings Plan #1 – C Fund	2,077,870
Thrift Savings Plan #2 – C Fund	1,626,869
Thrift Savings Plan #1 – G Fund	283,750
Thrift Savings Plan #2 – G Fund	136,609
Total Listed Securities	$12,205,702

Real Estate Owned	
Personal Residence	$450,000
Fishing Camp	150,000
Rental Property #1	1,000,000
Rental Property #2	1,100,000
Rental Property #3	1,250,000
Rental Property #4 (50% interest)	100,000
Rental Property #5 (50% interest)	100,000
Undeveloped Land #1 (25% interest)	125,000
Undeveloped Land #2 (25% interest)	1,000
Undeveloped Land #3 (25% interest)	1,000
Undeveloped Land #4 (25% interest)	1,000
Undeveloped Land #5 (25% interest)	1,000
Undeveloped Land #6 (25% interest)	1,000
Undeveloped Land #7 (25% interest)	1,000
Total Real Estate Owned	$4,281,000

Real Estate Mortgages Payable	
Personal Residence – Mortgage	$186,146
Total Real Estate Mortgages Payable	$186,146

AFFIDAVIT

I, Alexander Coker Van Hook, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

September 20, 2025 — Alexander C. Van Hook

(NOTARY) Notary Id #040729

Notary Public, Caddo Parish, Louisiana
RUSSELL BARROW PEACOCK
My Commission is for Life

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Alexander Coker Van Hook
Nominee to be U.S. District Judge for the Western District of Louisiana
October 29, 2025

1. According to your Senate Judiciary Questionnaire, you gave a presentation in June 2025 on DOJ's practices and priorities. Immigration was at the top of the priorities list, and your presentation included a summary of the Fast Track Program, which involves an expedited removal process for defendants who waive indictments and plead guilty. Meanwhile, *Reuters* reported last month that federal drug prosecutions have fallen to the lowest level in decades since the Trump Administration has mandated law enforcement to focus on its mass deportation agenda.

a. Which types of cases in the Western District of Louisiana have seen a reduction in resources or attention as a result in this shift of priorities to immigration enforcement?

Response: I retired from the Department of Justice on September 30, 2025, and no longer have access to the case data to accurately answer this question.

When I was serving as Acting United States Attorney, I was directed by leadership in the Department of Justice to focus on making our communities safer by reducing violent crime. We used various tools including immigration, firearms, and drug prosecutions to accomplish this goal. I do not believe that the focus on immigration cases impaired the ability to address firearms or drug cases. In fact, the Fast Track program referenced in the question was implemented so that non-violent offenders with multiple deportations could be prosecuted and deported without impacting the ability to address other matters.

b. Has there been a reduction in drug prosecutions in the Western District of Louisiana in the last 10 months as compared to prior years?

Response: Please see my response to question 1(a).

2. During your hearing, I asked you whether you thought there was a need for the National Guard to come to Shreveport, Louisiana to address high crime rates. You said, "I don't think we need them, but I think they would be welcome."

Putting aside your belief that they would be welcome, please elaborate on why you believe the National Guard is not needed to address crime in Shreveport.

Response: As I mentioned during the hearing, local, state, and federal law enforcement have always worked well together in the Western District of Louisiana. In recent months, federal law enforcement agencies have been working

with the Governor and the Louisiana State Police to bring additional resources to the Shreveport area and to develop special joint operations to tackle violent crime. Some of those initiatives were organized when I was Acting United States Attorney and were due to go into effect shortly after my retirement. The violent crime rate Shreveport is on the decline and I believe these initiatives will help.

With that said, I mentioned that the National Guard would be welcome because I believe the Shrevport Police Department has over one hundred officer vacancies. Therefore, any additional resources allowing police officers to respond to more serious matters could help.

3. In an *NPR* article regarding the investigation into the death of Ronald Greene, you stated that it "wouldn't go over very well with us" if then-Governor John Bel Edwards had attempted to influence the investigation by the U.S. Attorney's Office.

Why did you think it would have been inappropriate for the governor to attempt to interfere with or influence an investigation conducted by prosecutors in a U.S. Attorney's Office?

Response: While I am not familiar with the NPR article you are referring to, I do remember an Associated Press reporter asking me in a brief telephone call about communications between the Governor's Office and the United States Attorney's Office. To my knowledge, then-Governor Edwards never attempted to influence our investigation. I noted that any such attempt would not go over well because the Department of Justice conducts investigations without influence from state officials.

4. **Did President Trump lose the 2020 election?**

Response: Congress certified Joe Biden as the winner of the 2020 election and he served as the 46th President of the United States.

5. **Where were you on January 6, 2021**

Response: I was working at the Unites States Attorney's Office in Shreveport, Louisiana.

6. **Do you denounce the January 6 insurrection?**

Response: The question's characterization of the events that took place at the Capitol on January 6, 2021, and my response to it would require me to express an opinion on political matters or potential future cases. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

7. **Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?**

Response: Except in cases of impeachment, Article II of the Constitution gives to the President exclusively the "Power to grant Reprieves and Pardon for Offenses against the United States . . . ." Accordingly, the question asks me to express an opinion on a political matter that may be the subject of future litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

8. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: Litigants who disagree with a court order should ask for reconsideration, seek a stay, or appeal.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: Ordinarily, in the absence of a stay, all parties in a case must obey court orders. Some limited exceptions have been recognized such as when a court lacks subject matter jurisdiction or it is impossible to comply with the order. The Supreme Court has also recognized very limited situations where it is necessary to defy a court order regarding disclosure to appeal a contempt finding. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: Generally, this authority is given to the Judicial Branch under Article III of the Constitution.

9. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: In *Trump. v. CASA*, 145 S.Ct.2540 (2025), the Supreme Court held that universal injunctions may exceed the equitable authority that Congress has given to federal courts and that ordinarily equitable power only extends to grant complete relief to the parties before the court. If confirmed as a district judge, I

would apply all relevant precedent when considering injunctive relief. As a judicial nominee, the canons of judicial conduct prohibit me from elaborating further as this is an issue that could come before me as a district judge. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to question 9(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to question 9(a). Additionally, an injunction might be appropriate in a properly certified class action.

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No.

10. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

11. Does the U.S. Constitution permit a president to serve three terms?

Response: The 22nd Amendment provides that "[n]o person shall be elected to the office of President more than twice . . . ."

12. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[1]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

Response: This question asks me to express an opinion on a political statement regarding ongoing litigation. I cannot provide an answer consistent with my

[1] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.

ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to question 12(a).

13. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a "judicial coup"[2] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[3]

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: This question asks me to express an opinion on a political statement regarding ongoing litigation. I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to question 13(a).

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Please see my response to question 13(a).

14. When, if ever, may a lower court depart from Supreme Court precedent?

Response: It is never appropriate for a district court judge to depart from controlling Supreme Court precedent.

15. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: If fortunate enough to be confirmed as a district judge, my opinion of when it would be appropriate for the Fifth Circuit to overturn its own precedent would be irrelevant. If confirmed, I will faithfully apply and follow Fifth Circuit precedent.

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[2] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), https://x.com/StephenM/status/1927874604531409314.
[3] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), https://x.com/StephenM/status/1928065122657845516.

16. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: If fortunate enough to be confirmed as a district judge, my opinion of when it would be appropriate for the Supreme Court to overturn its own precedent would be irrelevant. If confirmed, I will faithfully apply and follow all controlling Supreme Court precedent. In *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), the Court addressed the circumstances in which it will overturn its own precedent.

17. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

Response: As a district court nominee, it is generally inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. Like numerous nominees before me, however, I will make an exception and state unequivocally that *Brown* was correctly decided as it rightly rejected de jure discrimination based on race.

b. *Plyler v. Doe*

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Plyler* and all Supreme Court precedent.

c. *Loving v. Virginia*

Response: As a district court nominee, it is generally inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. Like numerous nominees before me, however, I will make an exception and state unequivocally that *Loving* was correctly decided as it rightly rejected de jure discrimination based on race.

d. *Griswold v. Connecticut*

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Griswold* and all Supreme Court precedent.

e. *Trump v. United States*

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Trump* and all Supreme Court precedent.

f. ***Dobbs v. Jackson Women's Health Organization***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Dobbs* and all Supreme Court precedent.

g. ***New York State Rifle & Pistol Association, Inc. v. Bruen***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Bruen* and all Supreme Court precedent.

h. ***Obergefell v. Hodges***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Obergefell* and all Supreme Court precedent.

i. ***Bostock v. Clayton County***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Bostock* and all Supreme Court precedent.

j. ***Masterpiece Cakeshop v. Colorado***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Masterpiece Cakeshop* and all Supreme Court precedent.

k. ***303 Creative LLC v. Elenis***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *303 Creative LLC* and all Supreme Court precedent.

l. ***United States v. Rahimi***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Rahimi* and all Supreme Court precedent.

m. ***Loper Bright Enterprises v. Raimondo***

Response: As a district court nominee, it is inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. If confirmed as a district judge, I commit to follow *Loper Bright Enterprises* and all Supreme Court precedent.

18. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: If confirmed as a district judge, I would first use controlling Supreme Court or Fifth Circuit precedent to interpret the Constitution. In the absence of controlling precedent, the unambiguous meaning of the words in the Constitution would control. If it is necessary to determine the meaning of words, I believe that judges should look to the meaning of words as understood by the public at the time of the Constitution's adoption.

19. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my response to question 18.

20. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: This issue has been decided by *Obergefell v Hodges*, 576 U.S. 644 (2015), and its holding is controlling Supreme Court precedent. As a judicial nominee, it would be inappropriate for me to question the method of analysis used by the Supreme Court. If confirmed, I would faithfully apply all Supreme Court precedent.

21. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: This issue has been decided by *Loving v. Virgina*, 388 U.S. 1 (1967), and its holding is controlling Supreme Court precedent. As a judicial nominee, it would be inappropriate for me to question the method of analysis used by the Supreme Court. If confirmed, I would faithfully apply all Supreme Court precedent.

22. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Due Process Clause of the Fourteenth Amendment, among other things, applies the Bill of Rights to the states. The Equal Protection Clause ensures that states not "deny any person within its jurisdiction the equal protection of the laws." Courts have used these provisions to evaluate the legitimacy of state actions using different levels of scrutiny depending on the classification of persons or the right involved.

23. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these provisions to discrimination based on sex and sexual orientation, and I would faithfully apply those decisions if confirmed. To the extent that the question asks for further elaboration on these provisions, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

24. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my response to question 18.

25. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my response to question 18. To the extent that this question asks me to express an opinion regarding ongoing litigation, I cannot do so consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

26. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment Provides that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The Supreme Court has held that these protections apply to the people and associations of individuals. *See Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010).

27. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: I would apply all binding Supreme Court and Fifth Circuit precedent.

28. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: To determine whether speech was a true threat not protected by the First Amendment, I would apply the analysis set forth by the Supreme Court in *Counterman v. Colorado*, 600 U.S. 66 (2023). In that case, the Court found that true threats of violence are historically unprotected speech. *Id.* at 74.

29. Is every individual within the United States entitled to due process?

Response: Yes. Everyone within the United States is entitled to due process. The amount of process that is due, however, is case specific and varies based on individual circumstances.

30. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: This question asks me to express an opinion regarding potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

31. The Fourteenth Amendment states: "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."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: The Fourteenth Amendment provides that a person born in the United States is a citizen of the United States if they are "subject to the jurisdiction thereof. . . ." Determining whether a person is subject to the jurisdiction of the United States would require me to express an opinion regarding ongoing litigation that could appear before me if I am confirmed as a district judge. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: This question asks me to express an opinion on an issue regarding ongoing litigation. I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

32. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes. No one should be excluded from the opportunity to serve as a district judge based on race, ethnicity, religion, sex, or any other protected characteristic. I believe that selecting highly qualified people from all backgrounds helps promote respect for the judiciary and the rule of law.

33. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my

time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: If confirmed as a district judge, I would apply the provisions of the First Step Act faithfully, fairly and impartially as I would any other enacted law of the United States.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes.

34. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: No.

35. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

36. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

37. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy

engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

38. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

39. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

40. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

41. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: No. Not to my knowledge.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am not familiar with these organizations nor am I aware of any organization supporting my nomination. To the extent that the question asks about policy or legal conclusions about whether these donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: I am not aware of any such donation. If confirmed as a district judge, I will follow the disqualification rules set forth in Title 28, United States Code, Section 455 and the Code of Conduct for United States Judges. I would recuse myself in any proceeding in which my impartiality might reasonably be questioned.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my response to question 41(d).

Nomination of Alexander Van Hook to the
United States District Court for the Western District of Louisiana
Questions for the Record
Submitted October 23, 2025

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.

   Response: No.

   a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

      Response: No.

2. How would you describe your judicial philosophy?

   Response: If confirmed as a district judge, I will do my best to fairly and impartially apply the law in every case and will treat every person who comes before the court with dignity and respect. I will also work hard to ensure that cases and controversies before the court are resolved in a timely manner.

3. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

   Response: If confirmed, I would follow controlling Supreme Court and Fifth Circuit precedent to determine whether a right is fundamental and protected under the Fourteenth Amendment.

   a. Would you consider whether the right is expressly enumerated in the Constitution?

      Response: Yes, although the Ninth Amendment makes clear that, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

   b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes. The Supreme Court has noted that whether a right is deeply rooted in this nation's history and tradition is an important consideration. *See Washington v. Glucksberg*, 521 U.S. 702 (1997). To determine whether a right was deeply rooted in history and tradition, I would first consult Supreme Court and Fifth Circuit precedent. As a district judge, I would only consider other historical cases and resources in the absence of controlling authority.

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes. Please see my response to question 3(b). Additionally, I would consider the precedent of another circuit court of appeals as persuasive authority.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

e. What other factors would you consider?

Response: Please see my responses to questions 3(b) and (c).

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: It would not be appropriate for a district judge in the Western District of Louisiana to ignore or disregard Supreme Court or Fifth Circuit precedent or orders.

5. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] in any proceeding in which [their] impartiality might reasonably be questioned." Would you recuse yourself from cases involving former clients?

Response: As my entire legal career has been with the government, my only client has been the United States. I do not believe it is necessary to recuse myself from cases where the United States is a party. If confirmed, I will, however, carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances. In situations that present actual conflicts of interest based on my current or prior positions at the Department of Justice, I would recuse myself from any cases in which I was personally involved as a prosecutor or supervisor.

6. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-

sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

Response: If confirmed, I would faithfully follow Supreme Court and Fifth Circuit precent in considering such evidence.

b. What is the role of sociology, scientific evidence, and data in judicial analysis?

Response: Generally, this sort of evidence is evaluated and admitted pursuant to Rule 702 of the Federal Rules of Evidence, to the extent that such specialized knowledge could aid the trier of fact. I would faithfully follow Supreme Court and Fifth Circuit precedent in considering such evidence.

7. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes.

b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Yes, I believe that early termination could be beneficial in some cases. As an Assistant United States Attorney, however, I have also observed firsthand

how much supervised release can benefit a defendant's reentry into society. Prolonged work requirements, substance abuse counseling, and drug testing often provide the critical support that is needed by some people to finally break free from a life of criminal activity.

c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes.

8. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: As a district court judicial nominee it would be inappropriate for me to try to formulate a remedy to a hypothetical question.

9. Is President Trump eligible to be elected President for a third term in 2028?

Response: The 22nd Amendment provides that "[n]o person shall be elected to the office of President more than twice . . . ."

10. Who won the 2016 U.S. Presidential Election?

Response: Congress certified President Trump as the winner of the 2016 election, and he served as the 45th President of the United States.

11. Who won the 2020 U.S. Presidential Election?

Response: Congress certified Joe Biden as the winner of the 2020 election, and he served as the 46th President of the United States.

12. Who won the 2024 U.S. Presidential Election?

Response: Congress certified President Trump as the winner of the 2024 election, and he is serving as the 47th President of the United States.

13. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: This question asks me to address a hypothetical regarding potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

14. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?
Response: The question's characterization of the events that took place at the Capitol on January 6, 2021, and my response to it would require me to express an opinion on political matters or potential future cases. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

15. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: This question asks me to address a hypothetical regarding potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

16. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: This question asks me to address a hypothetical regarding potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

17. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: This issue has been decided by *Griswold v. Connecticut*, 381 U.S. 479 (1965), and *Eisenstadt v. Baird*, 405 U.S. 438 (1972). These holdings remain binding Supreme Court precedent, and I will faithfully apply them if confirmed as a district judge.

18. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: Yes.

a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

Response: This question asks me to address a hypothetical regarding potential litigation or legislation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

19. Do you believe that the Constitution protects a fundamental right to privacy?

    Response: Although the Constitution does not specifically enumerate a right to privacy, cases such as *Griswold* have acknowledged a right to privacy in certain circumstances. I would follow binding Supreme Court precedent in this and all cases.

    a. Does that right extend to information about your health care and medical history?

       Response: This question asks me to express an opinion regarding ongoing or impending litigation. I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

    b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

       Response: This question asks me to express an opinion regarding ongoing or impending litigation. I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

20. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

    Response: This question asks me to express an opinion regarding ongoing or impending litigation or legislation. I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

21. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

    Response: Every person within the United States is entitled to due process. The amount of process that is due, however, is case specific and varies based on individual circumstances.

22. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

    Response: If confirmed as a district court judge, I would first look to binding Supreme Court and Fifth Circuit precedent when interpreting the Constitution. In the absence of controlling precedent, the unambiguous meaning of the words in the Constitution would control. If it is necessary to determine the meaning of words, I believe that judges should look to the meaning of words as understood by the public at the time of the Constitution's adoption.

23. What sources would you employ to discern the contours of a constitutional provision?

Response: Please see my response to question 22.

24. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: District judges should not decide cases based on their own moral code. If confirmed as a district judge, I will do my best to fairly and impartially apply the law in every case and will treat every person who comes before the court with dignity and respect.

25. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: In some circumstances, practical consequences could play a role in fashioning a remedy. However, district judges are bound to impartially apply the law to the facts and follow binding precent.

26. What role, if any, should empathy play in a judge's decision-making process?

Response: District judges should decide cases by impartially applying the law to the facts. With that said, district judges should always treat people who come before them with dignity and respect.

27. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: Personal life experiences can help equip a judge with traits needed to do the job, such as wisdom and patience.

28. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: No.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: I cannot envision a circumstance where a district judge would tell a party not to comply with court orders. Defying a court order would be a litigation decision made by a party without my input. Ordinarily, in the absence of a stay, all parties in a case must obey court orders. Some limited exceptions have been recognized such as when a court lacks subject matter jurisdiction or it is impossible to comply with the order. The Supreme Court has also recognized very limited situations where it is necessary to defy a court order regarding disclosure

to be in a position to appeal a contempt finding. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

b. What would you do if a party refuses to comply with one of your orders?

Response: District judges have the power to impose certain sanctions including holding parties in civil or criminal contempt.

29. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: Judge Tom Stagg, who was my mentor, friend, and former employer.

30. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I would endeavor to hire highly qualified men and women to serve as my law clerks. Before hiring, I would consult with other judges to see what processes they recommend for hiring. In order to identify the best candidates, I would cast a wide net to find qualified candidates by reaching out to the local legal community and law schools.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: As a district court judicial nominee, I do not think it is appropriate for me to provide an opinion whether or not Title VII of the Civil Rights act should apply to court staff.

31. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: If confirmed as a district judge, my chambers staff would likely be limited to three people. As I have throughout my career, I would treat all employees with dignity and respect and require others to do so as a condition of employment.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: I would consult with the Clerk of Court and the Executive Office of United States Courts to determine what resources were available to clerks and judicial assistants.

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would raise the issue with the offending judge and the Chief Judge in consultation with the Executive Office of United States Courts.

32. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: Yes. I would consider any proposal to provide practical opportunities for junior lawyers to gain experience.

a. How else would you support the skills development of junior lawyers appearing before you?

Response: I would encourage junior lawyers to consider signing up for the Criminal Justice Act Panel.

33. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: Except in cases of impeachment, Article II of the Constitution gives to the President exclusively the "Power to grant Reprieves and Pardon for Offenses against the United States . . . ." Accordingly, the question asks me to express an opinion on a political matter that may be the subject of future litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

34. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: Please see my response to question 33.

35. At your Senate Judiciary Committee confirmation hearing, Ranking Member Durbin asked you whether you think the National Guard is needed to fight crime in Shreveport,

Louisiana, which has a higher murder rate than Chicago, Illinois. You replied, "I don't think we need them, but I think they would be welcome."

a. Why would National Guard troops be welcomed to Shreveport if they are not needed?

   Response: I mentioned that the National Guard would be welcome because I believe the Shrevport Police Department has over one hundred officer vacancies. Therefore, any additional resources allowing police officers to respond to more serious matters would help.

b. You added, "I think that whatever resources could be brought to bear to reduce crime in Shreveport would be helpful." Would you support President Trump deploying National Guard troops to Shreveport?

   Response: As a district court judicial nominee, it would be inappropriate to take a position on any action the President might take.

c. Why do you think the National Guard has been deployed to Chicago but not to Shreveport?

   Response: Please see my response to question 35(b).

Questions for the Record for Alexander Van Hook
Submitted by Senator Richard Blumenthal
October 29, 2025

1. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

   Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

   a. Do you believe that there is a legal distinction between "free speech" and "hate speech"?

      Response: The First Amendment to the Constitution provides: "Congress shall make no law . . . abridging the freedom of speech." This constitutional guarantee applies to all speech, other than threats, to include speech that is distasteful. *See Metal v. Tam*, 582 U.S. 218 (2017). To determine whether speech was a true threat not protected by the First Amendment, I would apply the analysis set forth by the Supreme Court in *Counterman v. Colorado*, 600 U.S. 66 (2023). In that case, the court found that true threats of violence are historically unprotected speech. *Id.* at 74.

   b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

      Response: Please see my response to question 1(a).

2. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

   Response: Yes. If confirmed as a district judge, I will follow the disqualification rules set forth in Title 28, United States Code, Section 455 and the Code of Conduct for United States Judges. I would recuse myself in any proceeding in which my impartiality might reasonably be questioned.

   a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

      Response: Please see my response to question 2.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: As my entire legal career has been with the government, my only client has been the United States. I do not believe it is necessary to recuse from cases where the United States is a party. I will, however, recuse myself from cases that were open in the United States Attorney's Office while I worked there.

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my response to question 2.

3. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, Canon 3(A)(4) regarding ex parte communications.

d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Yes. I am very aware of the role that a fair and impartial judiciary plays in promoting respect for the rule of law. If confirmed, I will remain fair and impartial and will follow the Code of Conduct for United States Judges and any other governing rules under these circumstances.

e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Please see my response to question 3(d).

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Please see my response to question 3(d).

4. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: Yes.

g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges and any other governing rules related to gifts.

h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges and any other governing rules related to privately funded travel, hospitality, or entertainment.

i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Yes. If confirmed, I will follow the Code of Conduct for United States Judges and any other governing rules related to teaching, speaking, and writing.

5. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: The Supreme Court has said that the contempt power is essential to the due administration of justice.

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: The question is a political one involving potential legislation to change the contempt power of the courts. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee.

6. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

   a. If confirmed, would you have the ability to issue orders?

      Response: If confirmed as a district judge, I will have the authority to issue orders as appropriate in cases assigned to me.

         i. Would you have the ability to enforce those orders?

            Response: Yes.

         ii. What powers would you have to enforce those orders?

            Response: District judges have the power to impose certain sanctions to include holding parties in civil or criminal contempt.

   b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

      Response: Ordinarily, in the absence of a stay, all parties in a case must obey court orders. Some limited exceptions have been recognized such as when a court lacks subject matter jurisdiction or it is impossible to comply with the order. The Supreme Court has also recognized very limited situations where it is necessary to defy a court order regarding disclosure to be in a position to appeal a contempt finding. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

   c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

      Response: Please see my response to question 6(b).

   d. What would make a court order unlawful?

      Response: A court order would be unlawful if the court lacked subject matter jurisdiction.

         i. What is the process a party should follow if it believes a court order to be unlawful?

Response: If a party believes a court order is unlawful, the party can ask the court to reconsider or request a stay. If the order is final, the party can appeal to the circuit court.

ii. Is it ever acceptable to not follow this process? When and why?

Response: Please see my response to question 6(b).

7. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Nomination of Alexander C. Van Hook
United States District Court for the Western District of Louisiana
Questions for the Record
Submitted October 29, 2025

QUESTIONS FROM SENATOR BOOKER

1. You oversaw the civil rights investigation into the death of Ronald Greene, an unarmed Black man who was pulled over and beaten by Louisiana state troopers.[1]

   a. Describe your role in this case, your oversight responsibilities, and your personal experience prosecuting the case?

   Response: My role in this case changed over time as my role in the office changed. This case was opened during the first Trump Administration and was overseen by the Civil Rights Division. During that time, I served as First Assistant United States Attorney and Acting United States Attorney. My oversight of the case was most active during this time. I made sure that the case was appropriately staffed in the United States Attorney's Office and encouraged the FBI and the Civil Rights Division to move forward with their investigation despite difficulties related to travel created by the COVID-19 pandemic.

   The case was declined and closed by the Civil Rights Division and the United States Attorney at the end of the Biden Administration. During most of the Biden Administration, I served as Special Counsel to the United States Attorney and in that position had no oversight role in the case.

   I had no personal experience prosecuting the case.

   b. How would you describe your approach to ensuring the fair and impartial enforcement of civil rights laws, particularly in cases involving police misconduct?

   Response: The United States Attorney's Office for the Western District of Louisiana has a proven track record of fairly and impartially enforcing the nation's civil rights laws. During my time with the Department of Justice, we routinely investigated and prosecuted civil rights violations. Additionally, we investigated and declined cases where law enforcement officers properly used force within the scope of their duties.

[1] *Governor knew the circumstances around a deadly arrest, but kept quiet, records show*, NPR (Jan. 28, 2022) https://www.npr.org/2022/01/28/1076587208/governor-knew-the-circumstances-around-a-deadly-arrest-but-kept-quiet-records-sh.

2. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[2]

   a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

      Response: As a district court nominee, it is inappropriate for me to comment on statements and decisions made by Attorney General Bondi.

3. How would you characterize your judicial philosophy?

   Response: If confirmed as a district judge, I will do my best to fairly and impartially apply the law in every case and will treat every person who comes before the court with dignity and respect. I will also work hard to ensure that cases and controversies before the court are resolved in a timely manner.

4. Please provide an example of a federal judge, or judges, whose jurisprudence you most agree with. Why?

   Response: I think that providing examples of judges whose jurisprudence I most agree with would be similar to me taking a position on which cases are rightly or wrongly decided. As a district court judicial nominee, I think it would be inappropriate for me to do so. If confirmed as a district judge, I will faithfully apply all binding Supreme Court and Fifth Circuit precedent.

5. What do you understand originalism to mean?

   Response: Originalism embraces the idea that the meaning of the Constitution was fixed at its adoption and should be interpreted according to its original public meaning.

6. Do you consider yourself an originalist?

   Response: If confirmed as a district court judge, I would first look to binding Supreme Court and Fifth Circuit precedent when interpreting the Constitution. In the absence of controlling precedent, the unambiguous meaning of the words in the Constitution would control. If it is

[2] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

necessary to determine the meaning of words, I believe that judges should look to the meaning of words as understood by the public at the time of the Constitution's adoption.

7. What do you understand textualism to mean?

   Response: Textualism requires that judges interpret the text in a statute as written based on the meaning of the words when the statute was enacted. I also believe that textualism requires the text to be read in context as part of the overall statutory scheme.

8. Do you consider yourself a textualist?

   Response: If confirmed as a district court judge, I would first look to binding Supreme Court and Fifth Circuit precedent when interpreting the text of statutes. In the absence of controlling precedent, the unambiguous meaning of the words in the text would control.

9. What is your view of stare decisis?

   Response: Stare decisis guides courts to stand by decisions and rulings previously decided. It is routinely applied by federal courts.

10. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

    a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

       If confirmed as a district court judge, I would first look to binding Supreme Court and Fifth Circuit precedent when interpreting the text of statutes. In the absence of controlling precedent, the unambiguous meaning of the words in the text would control. Although legislative history can sometimes be consulted, it should be approached with caution as it has not undergone the rigors of bicameralism and presentment as required by the Constitution.

    b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

       Response: Please see my response to question 10(a).

11. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[3]

[3] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

a. What do you attribute this to?

Response: I am not familiar with this study. If confirmed as a district judge, I pledge to treat every person fairly and impartially without regard to race or ethnicity.

12. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[4]

a. What do you attribute this to?

Response: If confirmed as a district judge, I would do my best to fairly and impartially apply the law in every case and consider the individual circumstances of every defendant.

13. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: If confirmed as a district judge, I would do my best to fairly and impartially apply the law in every case and consider the individual circumstances of every defendant.

14. Do you believe demographic diversity is an important goal in the executive branch? Why or why not.

Response: As a district court judicial nominee, I do not think it is appropriate for me to comment on the diversity goals of the executive branch.

15. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

a. Abortion
b. Affirmative action
c. Contraceptives or birth control
d. Gender-affirming care
e. Firearms
f. Immigration

[4] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

g. Same-sex marriage
h. Miscegenation
i. Participation of transgender people in sports
j. Service of transgender people in the U.S. military
k. Racial discrimination
l. Sex discrimination
m. Religious discrimination
n. Disability discrimination
o. Climate change or environmental disasters
p. "DEI" or Diversity Equity and Inclusion

Response: In my capacity as Acting/Interim United States Attorney on three occasions, I have issued press releases and made public statements in my official capacity on cases and initiatives involving illegal possession of firearms, immigration enforcement, and civil rights enforcement. It is my belief that those press releases and statements were referenced in my Senate Judiciary Questionnaire. Other than the statements made in my official capacity as a Department of Justice employee, I do not recall publishing any articles or making public statements on these topics.

16. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: Ordinarily, in the absence of a stay, all parties in a case must obey court orders. Some limited exceptions have been recognized such as when a court lacks subject matter jurisdiction or it is impossible to comply with the order. The Supreme Court has also recognized very limited situations where it is necessary to defy a court order regarding disclosure to be in a position to appeal a contempt finding. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: If any party defied a court order, I would consult the Federal Rules of Criminal and Civil Procedure as well as binding precedent from the Supreme Court and the Fifth Circuit. I do not believe that further elaboration on the analysis that I would use would be appropriate as this matter could come before me if I am confirmed as a district judge.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my response to question 16.

17. Does the president have the power to ignore or nullify laws passed by Congress?

Response: This question asks me to express an opinion on an issue regarding ongoing or potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

18. Does the president have the power to withhold funds appropriated by Congress?

Response: Please see my response to question 17.

19. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: Please see my response to question 17.

20. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: Yes, if the enforcement of both is not possible.

21. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: Yes. The Fifth Amendment applies to all persons.

22. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The major questions doctrine provides that such delegations should be limited and specific. *See West Virginia v. Environmental Protection Agency*, 597 U.S. 692 (2022). Further elaboration on this topic would require me to express an opinion on an issue regarding ongoing or potential litigation. I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

23. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: As a district court nominee, it is generally inappropriate for me to comment on whether or not a specific Supreme Court case was correctly decided. Like numerous nominees before me, however, I will make an exception and state unequivocally that *Brown* was correctly decided as it rightly rejected de jure discrimination based on race.

24. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold* is binding precedent. The Supreme Court held that a state law criminalizing the use of contraceptives by a married couple violated the right to marital privacy.

25. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

    Response: *Lawrence* is binding precedent. The Supreme Court held that a state law criminalizing sexual conduct between two consenting adult males was unconstitutional.

26. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

    Response: *Obergefell* is binding precedent. The Supreme Court held that the Fourteenth Amendment requires a state to issue marriage licenses to same sex couples on the same terms as opposite sex couples.

27. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

    Response: Congress certified Joe Biden as the winner of the 2020 election, and he served as the 46th President of the United States.

    a. Did Biden win a majority of the electoral vote in the 2020 election?

       Response: Please see my response to question 27.

    b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

       Response: There was litigation regarding the outcome of the 2020 election. As a judicial nominee, it is inappropriate to provide a personal view on the outcome of a political election.

28. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[5]

    a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

       Response: Congress certified President Trump as the winner of the 2016 election, and he served as the 45th President of the United States.

    b. Did Trump win a majority of the electoral vote in the 2016 election?

[5] U.S. CONST. amend. XXII.

Response: Please see my response to question 28(a).

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: Congress certified President Trump as the winner of the 2024 election, and he is serving as the 47th President of the United States.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to question 28(c).

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The 22nd Amendment provides that "[n]o person shall be elected to the office of President more than twice . . . ."

29. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: In preparation for the confirmation hearing, I watched numerous past hearings and observed a pattern of nominees noting that it was generally inappropriate for a judicial nominee to express an opinion about whether a Supreme Court case was properly decided. In further preparation for the confirmation hearing, I also received general guidance from the Department of Justice Office of Legal Policy. Based on this preparation and my review of the Canons, I concluded that it was inappropriate for a district court nominee to express an opinion on whether decisions by the Supreme Court were correctly decided.

30. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: No.

34. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: I spoke to Attorney General Bondi on September 3, 2025. The Attorney General was attending an event hosted by Louisiana Governor Jeff Landry honoring law enforcement in the Western District of Louisiana. I was serving as the Acting United States Attorney at the time and met with the Attorney General in that capacity.

35. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: In my capacity as Acting United States Attorney for the Western District of Louisiana, I have participated in group video conference calls with Deputy Attorney General Blanche. I do not recall speaking to the Deputy Attorney General during those calls.

36. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: In my capacity as Acting United States Attorney for the Western District of Louisiana, I have participated in group video conference calls with Emil Bove when he was employed by the Department of Justice. I do not recall speaking to Mr. Bove during those calls.

37. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: No.

38. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

    Response: No.

39. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson
    e. Thomas Caldwell

f. Jessica Watkins
g. Roberto Minuta
h. Edward Vallejo
i. David Moerschel
j. Joseph Hackett
k. Ethan Nordean
l. Joseph Biggs
m. Zachary Rehl
n. Dominic Pezzola
o. Jeremy Bertino
p. Julian Khater

Response: No.

40. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

41. 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, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: I affirm that I have left each place of employment voluntarily and not at the request or suggestion of an employer.

42. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

43. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[6]

[6] https://www.article3project.org/about

a. Do you agree with the above statement?

Response: I have no familiarity with this organization or this statement. As a district court nominee, it is inappropriate for me to comment on the political statements of others.

b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: No.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: No.

44. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

a. If so, who? What advice did they give?

b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No one suggested that I include or omit any particular case.

45. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

46. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

47. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: Similar to my preparation for the confirmation hearing, I reviewed responses of numerous prior nominees before answering these questions. I personally drafted the initial responses myself. I asked others to proofread the responses for clarity and typographical errors. Attorneys at the Department of Justice Office of Legal Policy also reviewed my responses.

Questions for the Record
Alexander C. Van Hook – nominee to be United States District Judge for the Western District of Louisiana
Sen. Adam Schiff (CA)

1. When interpreting an ambiguous statute, what will you first look to in order to resolve the ambiguity?

   Response: If confirmed as a district court judge, I would first look to binding Supreme Court and Fifth Circuit precedent when interpreting the text of statutes. In the absence of controlling precedent, I would interpret the text of a statute based on the meaning of the words when the statute was enacted. Ambiguities can sometimes be resolved by considering the text in context with other provisions in the overall statutory scheme.

2. Do you believe evidence of legislative intent beyond the words of the text, such as the history behind the passage of a bill, is ever relevant? If so, what kinds of evidence are acceptable to you, or which are the most and least probative?

   Response: Considering the problem that Congress was trying to address can be instructive. Although legislative history can be considered consulted, it should be approached with caution as it has not undergone the rigors of bicameralism and presentment as required by the Constitution.

3. What is the role of a federal district judge in our tripartite system of government?

   Response: Article III of the Constitution provides that, "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." The district court is an inferior court established by Congress and its primary role is to serve as the trial court for the judicial branch.

4. How can a federal district judge operate as a check on the legislative branch?

   Response: Assuming that there is a case or controversy properly before the court, a district judge can operate as a check on the legislative branch by ensuring that legislation passed by Congress is constitutional.

   Will you commit to exercising full and complete impartiality in all cases, even those in which the President or his associates have a vested interest?

   Response: Yes.

5. What is your interpretation of Article 2, Section 1, "The executive Power shall be vested in a President of the United States of America"?

   Response: The President of the United States is the head of the executive branch and Commander in Chief of the armed forces. The Constitution gives him the power, with the advice and consent of the Senate, to appoint leadership in each executive department. To the extent that this question asks me to comment on the constitutional limits of executive power, I cannot do so consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

6. What is your interpretation of the unitary executive theory? Do you subscribe to that theory?

   Response: My understanding of the unitary executive theory is that the President of the United States is the sole head of the executive branch and has the discretion to run it as he sees fit, to include the removal of executive officials. In the past, the Supreme Court has placed some limits on this power. *See Humphrey's Executor v. United States*, 295 U.S. 602 (1935). Further elaboration on my part, as a judicial nominee, would be inappropriate as there are numerous cases in the courts considering the limits of executive authority. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

   a. What would be the role of an independent judiciary in a government with a unitary executive?

      Response: Please see my response to question 6.

APPENDIX

The following submissions are available at:

https://www.govinfo.gov/content/pkg/CHRG-119shrg62746/pdf/CHRG-119shrg62746-add1.pdf

Submitted by Ranking Member Durbin:

Alliance for Justice (AFJ), Opposition to Crain, statement 2
Leadership Conference on Civil and Human Rights, Opposition to Crain, statement 4
National Women's Law Center (the "Law Center"), Opposition to Crain, statement 6
People For the American Way, Opposition to Crain, statement 12