

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-Percenter 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. Alarming, 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 Division
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 OCDEF investigations.

RESPONSE: OCDEF investigations are approved for OCDEF 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 OCDEF 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 OCDEF 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 OCDEF 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 OCDEF 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 prosecutors 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 OCDEF, 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 prior to his reelection in 2024?**

RESPONSE: None.

b. **How many times did you meet with President Trump between the 2024 election and your nomination to lead the Criminal Division?**

RESPONSE: Once.

c. **How many times have you met with President Trump since 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 Manual² 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.

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 has 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

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 Goudswaard, 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.

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 its 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.