

Questions for the Record
Chairman Charles E. Grassley of Iowa
The Nomination of the Honorable Patrick David Davis
to be Assistant Attorney General for the Office of Legislative Affairs
March 26, 2025

Last Congress, I sent 144 oversight letters to the Biden-Harris DOJ and its component agencies that they failed to answer or fully respond to. During Attorney General Bondi's nomination hearing, I presented her with a binder of these letters and asked if she would commit to responding to my oversight requests, as well as the requests of other Members on the Committee. AG Bondi responded that she, or her top staff, would personally review those 144 letters and do everything they can to respond.

1. If confirmed as Assistant Attorney General for the Office of Legislative Affairs, will you commit to providing timely and complete responses to letters and fulfilling document requests from both parties?

RESPONSE: If confirmed, I commit to working to ensure that the Department provides timely and substantive responses to oversight requests from both the majority and minority members of the Committee, consistent with any applicable constitutional, statutory, and regulatory limits on what information the Department should disclose. Section 1-8.210 of the Justice Manual instructs the Department to use its "best efforts" to respond to Congressional inquiries and expressly states: "[b]ecause it is important that the Department provide timely responses to congressional inquiries when possible, components should make it a priority to assist OLA in this regard." If confirmed, I intend to take action as appropriate to foster Departmental compliance with Section 1-8.210.

2. If confirmed as Assistant Attorney General for the Office of Legislative Affairs, will you commit to responding to and scheduling briefing requests in a timely manner?

RESPONSE: Yes.

3. Will you work with Congress to ensure the briefings are not held at an inappropriate classification level?

RESPONSE: Yes. I believe it is improper to hold briefings at classification levels that are inconsistent with the classification of the information being shared.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Patrick Davis
Nominee to be Assistant Attorney General for the Office of Legislative Affairs
March 27, 2025

1. During my four years as Chair of this Committee, I worked diligently to ensure the Justice Department improved its responsiveness to Committee oversight requests from Democrats and Republicans alike.

Senator Whitehouse and I asked the Government Accountability Office (GAO) to analyze and audit the Department's practices and procedures for responding to congressional inquiries, and we pushed the Justice Department to implement all three of GAO's recommendations.

I convened a bipartisan meeting between Judiciary Committee members and Attorney General Garland to discuss the Justice Department's lack of responsiveness to Committee members' oversight requests. My staff worked directly with then-Ranking Member Grassley to ensure the Administration was answering his outstanding oversight requests. When Senator Graham became Ranking Member, I continued to push the Department to answer all Committee oversight requests.

Do you agree that the Justice Department has a responsibility to respond to oversight requests from all members of the Judiciary Committee, including members of the minority?

RESPONSE: Yes.

2. To date, I have sent seven letters to the Justice Department since January 20, 2025. Notably, the Committee received responses from the Justice Department to at least six letters from Chairman Grassley the night before your hearing, including one letter that was only sent last Friday. Will you urge the Department to immediately provide complete responses to the following letters (copies of which I am attaching)?
 - a. **Letter to Acting FBI Director Brian Driscoll, Secretary of State Marco Rubio, Secretary of Defense Pete Hegseth, and Acting Treasury Secretary David Lebryk, dated January 27, 2025;**
 - b. **Letter to Acting Attorney General James R. McHenry III, dated January 29, 2025;**
 - c. **Letter to Acting Attorney General James R. McHenry III and Acting FBI Director Brian Driscoll, dated February 3, 2025;**
 - d. **Letter to Attorney General Pamela Bondi and Acting Deputy Attorney General Emil Bove, dated February 14, 2025;**

- e. **Letter to Attorney General Pamela Bondi and Acting Deputy Attorney General Emil Bove, dated February 20, 2025;**
- f. **Letter to Attorney General Pamela Bondi, dated March 3, 2025; and**
- g. **Letter to Attorney General Pamela Bondi, dated March 26, 2025.**

RESPONSE: If confirmed, I will work to ensure the Department provides substantive responses to these letters as quickly as possible.

- 3. Should you be confirmed, you will have an obligation to ensure that the Department of Justice and its components, including the FBI, respond to congressional inquiries in a timely manner.

- a. **Do you understand that this obligation applies regardless of party affiliation?**

RESPONSE: If confirmed, I commit to working to ensure that the Department provides timely and substantive responses to oversight requests from both the majority and minority members of the Committee, consistent with any applicable constitutional, statutory, and regulatory limits on what information the Department should disclose. Section 1-8.210 of the Justice Manual instructs the Department to use its “best efforts” to respond to Congressional inquiries and expressly states: “[b]ecause it is important that the Department provide timely responses to congressional inquiries when possible, components should make it a priority to assist OLA in this regard.” If confirmed, I intend to take action as appropriate to foster Departmental compliance with Section 1-8.210.

- b. **Will you commit to providing timely responses to congressional inquiries even if the President takes a position that is contrary to the law or not in the interests of the United States?**

RESPONSE: Please see my response to question 3.a above.

- 4. If confirmed, what will your top priorities be for the Office of Legislative Affairs?

RESPONSE: If confirmed, my top priorities for the Office will be to improve the relationship with Congress by providing timely and substantive responses to oversight letters; working with Congress to advance legislation to benefit the American people; facilitating the nominations process for Department of Justice nominees; and improving the relationship with state and local officials on matters of common concern. 28 C.F.R. § 0.27 assigns the Assistant Attorney General for the Office of Legislative Affairs several functions, and I would work to successfully perform all those duties.

5. How will you handle a circumstance in which you encounter a disagreement or conflict in approaches with Department leadership?

RESPONSE: In any disagreement within the Department, I would provide leadership my best legal advice about how to proceed and would follow the chain of command regarding any decisions made. In all circumstances, I would uphold my oath to support and defend the Constitution and will follow the law and applicable professional ethics rules.

6. In your opinion, what is a reasonable timeframe for the Department of Justice to respond to inquiries?

RESPONSE: While the reasonable length of time to respond to any particular letter will likely depend on the scope and volume of information sought, in general I believe responses to members of the Committee should ideally be a matter of days or weeks, not months.

7. Please provide a detailed description of your involvement in responding to congressional inquiries since returning to the Department of Justice in January 2025.

RESPONSE: I served as the Acting Assistant Attorney General for the Office of Legislative Affairs from Inauguration Day until shortly after the Department announced the President's intent to nominate me for this position, at which point I moved to the Office of Legal Policy in order to ensure compliance with the Vacancies Act. Since I left the Office of Legislative Affairs, career attorneys have been managing it. During the weeks when I was the Acting Assistant Attorney General, career attorneys within the Office sent me response letters drafted by them or by other career attorneys in Department components for approval. I reviewed the draft letters, approving some for transmittal without edits, sometimes making edits or suggesting the attorneys obtain and include additional responsive information. I would then approve the revised versions once received. Where appropriate, I discussed the Department's responses with relevant Department personnel.

**Nomination of Patrick David Davis
To be Assistant Attorney General for the Office of Legislative Affairs
United States Department of Justice
Questions for the Record
Submitted March 27, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. Will you respond to oversight requests submitted by members of the minority party in a timely and responsive manner?

RESPONSE: If confirmed, I commit to working to ensure that the Department provides timely and substantive responses to oversight requests from both the majority and minority members of the Committee, consistent with any applicable constitutional, statutory, and regulatory limits on what information the Department should disclose. Section 1-8.210 of the Justice Manual instructs the Department to use its “best efforts” to respond to Congressional inquiries and expressly states: “[b]ecause it is important that the Department provide timely responses to congressional inquiries when possible, components should make it a priority to assist OLA in this regard.” If confirmed, I intend to take action as appropriate to foster Departmental compliance with Section 1-8.210.

2. Under what circumstances, if any, would it be appropriate to withhold requested information from Congress when no executive privilege has been asserted?

RESPONSE: I have not yet fully evaluated the Department’s policies setting forth its understanding of the full range constitutional, statutory, and regulatory limits on what it should properly disclose to Congress. If confirmed, I intend to study these materials closely, as well as applicable case law, and consult with relevant Department personnel if I believe the policies are legally inadequate and require modification.

3. Under what circumstances, if any, would it be appropriate for DOJ to take longer than six months to respond to an oversight request?

RESPONSE: I do not believe the Department should take more than six months to respond to oversight requests from members of the Committee under any circumstances.

4. The first Trump administration subpoenaed communications of congressional staffers, including yours. You said at the time that such surveillance is a “violation” of “the separation of powers.”

- a. Do you stand by that statement?

RESPONSE: My quote in the *New York Times* last year was: “It felt like a violation, not simply on a personal level, but more importantly of the separation of powers

given the nature of our oversight work[.]” I stand by that statement. While I believe that it is important to investigate leaks of classified information, and I believe that neither Congressmen nor Congressional staffers are above the law, surveillance of Congressional oversight attorneys raises serious issues regarding the separation of powers, attorney-client privilege, and whistleblower protections. Procedural protections are necessary to ensure that investigations are not used pretextually to spy on the Department’s Congressional overseers, particularly in circumstances like mine, where I was in the process of uncovering the Department’s misconduct in its handling of the Crossfire Hurricane investigation.

b. Does it matter what party the staffers are?

RESPONSE: It does not.

5. Was the U.S. Capitol attacked by a violent mob on January 6, 2021? Were violent rioters who were convicted of criminal activity on January 6 political prisoners?

RESPONSE: Some individuals among the many thousands who demonstrated on January 6, 2021, reportedly engaged in acts of property destruction and violence. In *Fischer v. United States*, the Supreme Court ruled that the Justice Department improperly sought to rely on 18 U.S.C. §1512(c)(2) to imprison individuals involved in the events of January 6, 2021. The Attorney General has since convened a Weaponization Working Group to examine “[t]he pursuit of improper investigative tactics and unethical prosecutions” relating to the events of January 6, 2021.

6. Did Joe Biden win the 2020 presidential election?

RESPONSE: Joe Biden was certified the winner of the 2020 election and served as our 46th President.

Senate Judiciary Committee
Hearing on the Nomination of Patrick Davis to be
Assistant Attorney General for the Office of Legislative Affairs
March 26, 2025
Questions for the Record
Senator Amy Klobuchar

1. If confirmed, will you commit to ensuring that the Justice Department provides timely and complete responses to oversight requests and requests for technical assistance from all members of the committee?

RESPONSE: If confirmed, I commit to working to ensure that the Department provides timely and substantive responses to oversight requests and requests for technical assistance from both the majority and minority members of the Committee, consistent with any applicable constitutional, statutory, and regulatory limits on what information the Department should disclose. Section 1-8.210 of the Justice Manual instructs the Department to use its “best efforts” to respond to Congressional inquiries and expressly states: “[b]ecause it is important that the Department provide timely responses to congressional inquiries when possible, components should make it a priority to assist OLA in this regard.” If confirmed, I intend to take action as appropriate to foster Departmental compliance with Section 1-8.210.

2. I am leading efforts, with Senator John Cornyn on the *SHIELD Act* and with Senator Ted Cruz on the *TAKE IT DOWN Act*, which together would prohibit the nonconsensual online distribution of actual and deepfake explicit and intimate images, and will give the Justice Department the tools they need to hold perpetrators accountable.
 - Both the *SHIELD Act* and *TAKE IT DOWN Act* passed the Senate last year unanimously, and *TAKE IT DOWN Act* again passed the Senate this February. Will you commit to working with me to get these bills signed into law?

RESPONSE: If confirmed, I welcome the opportunity to work with you on these important issues. As a nominee, I cannot commit the Department to endorsing particular pending legislation.

3. Ensuring that our law enforcement officials have the resources needed to do their work has long been a priority of mine. That is why I have long championed support for the COPS Hiring Program through the *COPS Reauthorization Act* with Senator Murkowski. Just last year, 235 law enforcement agencies used the COPS Hiring Program to hire nearly 1,200 new officers.
 - Can I count on your help to reauthorize the COPS Hiring Program?

RESPONSE: Please see my response to question 2 above.

4. Along with Chairman Grassley, I lead legislation that would set common sense guardrails on dominant platforms that use their power to tilt the playing field to favor themselves against smaller competitors and to the detriment of consumers.

- Will you commit to ensuring the Department of Justice will work with me and Chairman Grassley on this vital antitrust reform?

RESPONSE: Please see my response to question 2 above.

5. I lead a bipartisan bill to ensure that service related cancers are covered under the PSOB Program called the *Honoring Our Fallen Heroes* Act. The Justice Department provided us with technical assistance in drafting the bill.

- Will you ensure the Department of Justice works with me to ensure that first responders who pass away or become totally and permanently disabled as a result of service related cancers get the PSOB benefits they deserve?

RESPONSE: While I am not currently familiar with the PSOB Program, if confirmed I will consult with appropriate Department personnel and ensure the Department is working with you to ensure that first-responders are receiving the benefits they are legally entitled under the Program.

6. In addition to cracking down on the flow of fentanyl through our border, I believe we need to focus our attention on the online sale of this deadly drug. Recently, the DEA found that one-third of drug cases had direct ties to social media.

I've worked to advance a bipartisan bill led by Senators Roger Marshall and Jeanne Shaheen, and Rep. Angie Craig in the House to require social media companies to report fentanyl and other dangerous drug sales on their platforms to the DEA.

- Will you commit to working with us to help get the bill signed into law?

RESPONSE: Please see my response to question 2 above.

**Nomination of Patrick David Davis to be Assistant Attorney General
Office of Legislative Affairs
Questions for the Record
Submitted March 27, 2025**

QUESTIONS FROM SENATOR COONS

1. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

RESPONSE: I respectfully reject the premise of the question. If confirmed, I will always uphold my oath to support and defend the Constitution and will follow the law and applicable professional ethics rules.

- a. If you would not resign, what would you do?

RESPONSE: Please see my response to question 1.

2. How would you respond if your role at the DOJ required you to pursue a policy directive that was unconstitutional?

RESPONSE: Please see my response to question 1.

3. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

RESPONSE: While I have not had occasion to study this issue in depth, I believe the remedy available would depend on the nature of any violation. Some violations may have remedies in court, others through impeachment, and others through the electoral process.

4. As a Department of Justice lawyer, when is it appropriate to refuse to follow a directive from the President?

RESPONSE: Lawyers in the Department of Justice should always uphold their oath to support and defend the Constitution, and act in accordance with applicable laws, regulations, and Department policies.

5. In January and February 2025, you served as the Acting Assistant Attorney General for the Office of Legislative Affairs, which means you were responsible for responding to oversight letters sent by Congress to the DOJ. During this time, there were at least four

letters sent by myself and all of my Democratic colleagues on the Judiciary Committee to the DOJ. None of these letters have been responded to.

- a. Why has the Office of Legislative Affairs failed to respond to these letters?

RESPONSE: I was the Acting Assistant Attorney General for the Office of Legislative Affairs from Inauguration Day until shortly after my nomination was announced, at which time I moved to the Office of Legal Policy to ensure compliance with the Vacancies Act. Since then, the Office of Legislative Affairs has been led by career Department attorneys. While I do not specifically know why the Department has not responded to these letters yet, I do believe the attorneys in the Office of Legislative Affairs have been working diligently to respond to letters, assist with proposed legislation, and help with the nominations process for multiple nominees.

- b. Do you commit to responding to these letters, should you be confirmed?

RESPONSE: Yes.

6. Should you be confirmed, do you pledge to respond to oversight requests from the Democratic members of the Senate Judiciary Committee?

RESPONSE: Yes.

- a. What do you think is an appropriate timeline for responses to our oversight requests?

RESPONSE: While the reasonable length of time to respond to any particular letter will likely depend on the scope and volume of information sought, in general I believe responses to members of the Committee should ideally be a matter of days or weeks, not months.

7. When is it appropriate for the DOJ to decide not to defend a federal law?

RESPONSE: While I have not had occasion to study this issue in depth, my understanding is that 28 U.S.C. § 530D applies to situations in which the Department decides not to defend unconstitutional laws. I understand that the Office of Legislative Affairs transmits 530D letters to Congress on behalf the Department but does not typically write them.

8. Do you agree that the DOJ has an independent obligation to evaluate the legality of the President's policy proposals?

RESPONSE: I have not studied this issue in detail. If confirmed, I would consult with relevant Department personnel and work to ensure the Office of Legislative Affairs is fulfilling all applicable legal obligations. It is my understanding that the Office of Legal Counsel typically reviews all executive orders and substantive proclamations issued by the President for form and legality.

9. What is your understanding of the DOJ's contact policy regarding interactions between the DOJ and White House officials?

RESPONSE: As I understand it, the Department's policy regarding interactions with the White House is set forth in Section 1-8.600 of the Justice Manual, which memorializes a memo issued by then-Attorney General Garland on the subject.

10. 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: All investigative, prosecutorial, and litigation decisions by the Department should be based on the facts and applicable law.

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 an individual or corporation where that action was not justified by the facts and the law?

RESPONSE: Please see my response to question 10 above.

12. 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: During my years as a career trial attorney in the Department's Federal Programs Branch, I regularly handled cases in which the President, at the time President Obama, was a named party. I entered my appearance as the

President's attorney and litigated on his behalf. In other cases, the named parties the Department represents include executive branch agencies, and the President is the head of the executive branch. Accordingly, I agree with the Attorney General: Department attorneys regularly represent the President of the United States in his official, not personal, capacity. For all attorneys in the federal government, the client is ultimately the American people.

- b. Do you consider the Assistant Attorney General for the Office of Legislative Affairs to be "the President's lawyer"?

RESPONSE: As noted by then-Attorney General Garland in Justice Manual Section 1-8.600, "[a]s a department within the Executive Branch, the Justice Department appropriately works to advance the Administration's policies[.]" In light of this and the role of the Office, the Assistant Attorney General for the Office of Legislative Affairs may be considered the President's lawyer, but once again ultimately serves the American people.

- c. Who does the Office of Legislative Affairs work for?

RESPONSE: As noted above, ultimately, the Office of Legislative Affairs works for the American people. The Office directly reports to the Deputy Attorney General, and pursuant to 28 C.F.R. § 0.27, the Office is to perform duties assigned to it by the Attorney General, the Deputy Attorney General, or the Associate Attorney General. The Department is an executive branch agency and the President is the head of the executive branch.

**Senator Mazie K. Hirono
Senate Judiciary Committee**

**Nominations Hearing | March 26, 2025
Questions for the Record for Patrick David Davis**

1. As head of the Office of Legislative Affairs, you will be responsible for responding to Congressional oversight requests. Chair Grassley has stressed the importance of this for years, across administrations. As a former member of Chair Grassley’s oversight team, I am sure you value this Committee’s oversight role and understand its need for timely responses to its questions.

- a. **How do you plan to improve the timeliness of the Office of Legislative Affairs’ responses to this Committee?**

RESPONSE: As I currently understand it, the Department’s processes for drafting and clearing response letters often involve several steps. If confirmed, I intend to find and examine data regarding the length of time letters spend in each step to determine where delays are occurring. Once any bottlenecks are identified, I intend to consult with the relevant Department officials to determine what appropriate corrections can be made. Section 1-8.210 of the Justice Manual instructs the Department to use its “best efforts” to respond to Congressional inquiries and expressly states: “[b]ecause it is important that the Department provide timely responses to congressional inquiries when possible, components should make it a priority to assist OLA in this regard.” If confirmed, I intend to take action as appropriate to foster Departmental compliance with Section 1-8.210.

- b. **How do you plan to improve the thoroughness of the Office of Legislative Affairs’ responses to this Committee?**

RESPONSE: If confirmed, I intend to undertake a review of the Department’s positions on the constitutional, statutory, regulatory, and policy limitations on what information it should properly share with Congress, and I intend to direct the staff of the Office of Legislative Affairs to be as transparent and substantively responsive as possible while respecting the applicable limits.

- c. **What do you think is the reasonable length of time to respond to an oversight letter from a member of this Committee?**

RESPONSE: While the reasonable length of time to respond to any particular letter will likely depend on the scope and volume of information sought, in general I believe responses to members of the Committee should ideally be a matter of days or weeks, not months.

- d. **Will you respond to all letters from both Democratic and Republican members of this Committee on the same timeline and without preference as to party affiliation?**

RESPONSE: If confirmed, I am committed to pursuing timely responses to letters from all members of the Committee.