

**Nomination of John Andrew Eisenberg  
To be Assistant Attorney General for the National Security Division  
Questions for the Record  
March 26, 2025**

**QUESTIONS FROM CHAIRMAN CHARLES GRASSLEY OF IOWA**

The Foreign Agents Registration Act (FARA) requires those who lobby or influence public policy on behalf of foreign governments and interests to register their affiliations and activities with Department of Justice (DOJ). FARA has not been comprehensively updated since 1966. Since 2015, I've investigated potential FARA violations to ensure that DOJ enforces the statute equally. In 2017, as Chairman of the Senate Judiciary Committee, I held the first ever FARA oversight hearing. I've also introduced the Foreign Agents Transparency Act and the Foreign Agents Disclosure and Registration Enhancement Act across multiple Congresses. In the 118th Congress, I sent letters to DOJ requesting information on FARA enforcement and compliance for China Iron and Steel, Chinese Students and Scholars Associations, and National Students for Justice in Palestine.

Throughout my FARA oversight, I've made clear about its important role in bringing transparency and accountability to foreign influence. I've also made clear that FARA must be used without political weaponization.

1. If confirmed, what will you do to ensure FARA isn't politically weaponized yet aggressively enforced at the same time?

**RESPONSE:** If confirmed, I will continue the implementation of the Attorney General's February 5, 2025 memorandum, which provides:

To free resources to address more pressing priorities, and end risks of further weaponization and abuses of prosecutorial discretion, the Foreign Influence Task Force shall be disbanded. Recourse to criminal charges under the Foreign Agents Registration Act (FARA) and 18 U.S.C. § 951 shall be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors. With respect to FARA and § 951, the Counterintelligence and Export Control Section, including the FARA Unit, shall focus on civil enforcement, regulatory initiatives, and public guidance.

2. If confirmed, will you commit to working with my staff on the various legislative proposals I've introduced across multiple Congresses?

**RESPONSE:** Yes.

**Nomination of John Andrew Eisenberg  
To be Assistant Attorney General for the National Security Division  
Questions for the Record  
April 2, 2025**

**QUESTIONS FROM RANKING MEMBER DURBIN**

1. Since the beginning of the Trump Administration, every senior career official in the National Security Division (NSD) has been removed from their position, including the head of NSD's office of intelligence and the head of its office of law and policy. Those latter removals took place shortly after you rejoined the Justice Department in late February as a Senior Counselor in the Office of the Attorney General.

- a. What role have you played in discussions regarding the removal or reassignment of senior career NSD officials?**

**RESPONSE:** I played no role.

- b. Are you aware of any ongoing efforts to remove or reassign additional career civil servants in NSD?**

**RESPONSE:** I am not in NSD and am not aware of such efforts.

- c. Given the unprecedented removal of career senior staff in NSD, how do you intend to ensure there is needed expertise and effective management in NSD?**

**RESPONSE:** If confirmed, I will work to ensure that NSD has the appropriate resources needed, including hiring experienced staff.

- d. Recognizing the importance of public trust in national security operations, what steps will you take to enhance transparency and accountability within the NSD?**

**RESPONSE:** I plan to be as transparent and forthcoming as I can be within the bounds of the law and given the nature of the work.

- e. How do you plan to prioritize resources across cyber threats, foreign malign influence, violent domestic extremism, and insider threats?**

**RESPONSE:** If I am confirmed, I will discuss proposed resource allocation with NSD personnel and with the Deputy Attorney General and Attorney General.

- f. How will you ensure that DOJ's national security tools are used in a politically neutral way?**

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

2. Shortly after Attorney General Bondi was confirmed by the Senate, she implemented major changes to NSD that weaken its ability to protect our nation from malign foreign influences. For example, in a February 5 memo, the Attorney General disbanded the Corporate Enforcement Unit and announced limits on criminal investigations and prosecutions under the Foreign Agents Registration Act (FARA).

- a. **Please describe your involvement in the Attorney General's directive to limit FARA criminal investigations and prosecutions.**

**RESPONSE:** I respectfully reject your premise that the changes made by the Attorney General weakened NSD's ability to protect our nation from malign foreign influence. With that said, I was not involved in that change.

- b. **Who else was involved in formulating the Attorney General's directive to limit FARA criminal investigations and prosecutions? If this includes any individuals outside of the federal government, please include them.**

**RESPONSE:** Please see my response to Question 2a.

- c. **With the disbanding of NSD's Corporate Enforcement Unit, will NSD still be responsible for cases that fall under its mandate? If not, which division of the Justice Department will handle any pending or new cases?**

**RESPONSE:** Since I am not currently in NSD, I do not know.

- d. **Please describe your involvement in the decision to disband the Corporate Enforcement Unit.**

**RESPONSE:** Please see my response to Question 2a.

- e. **Who else was involved in the decision to disband the Corporate Enforcement Unit? If this includes any individuals outside of the federal government, please include them.**

**RESPONSE:** Please see my response to Question 2a.

3. Attorney General Bondi also disbanded the Kleptocracy Asset Recovery Initiative, KleptoCapture Task Force, and Foreign Influence Task Force.

- a. **Please describe your involvement in the decision to disband these task forces.**

**RESPONSE:** Please see my response to Question 2a.

- b. Who else was involved in the decision to disband these task forces? If this includes any individuals outside of the federal government, please include them.**

**RESPONSE:** Please see my response to Question 2a.

- c. With the disbanding of the Kleptocracy Asset Recovery Initiative, KleptoCapture Task Force, and Foreign Influence Task Force, will NSD become responsible for any pending cases that fell within their individual mandates? If not, which division of the Justice Department will handle those pending cases?**

**RESPONSE:** Please see my response to Question 2c.

- d. Given Russia's long history of interfering with the United States through cyber operations, espionage, and other means, how do you plan to prioritize addressing these threats despite the loss of critical resources that formerly tackled these issues?**

**RESPONSE:** I respectfully reject your premise that the changes made by the Attorney General weakened NSD's ability to protect our nation from malign foreign influence. With that said, I plan to utilize all resources at my disposal and work with other Department components to safeguard the American people from foreign threats.

4. On March 18, Attorney General Bondi released a statement that claimed, "The swarm of violent attacks on Tesla property is nothing short of domestic terrorism."

- a. What percentage of NSD staff are working on Tesla-related crimes?**

**RESPONSE:** I am not currently working in NSD and do not know.

- b. What percentage of NSD staff are working on non-Tesla-related terrorism cases?**

**RESPONSE:** Please see my response to Question 3a.

- c. How has this reprioritization within NSD impacted its work on other cases related to homegrown violent extremists, domestic terrorists, and international terrorists?**

**RESPONSE:** Please see my response to Question 3a.

5. According to a March 25 DOJ memo, the Trump Administration is considering a major restructuring of the Justice Department. The proposed restructuring of DOJ involves combining ATF and DEA, as well as moving a significant number of Main Justice staff to U.S. Attorney's Offices across the country.

- a. How will this restructuring impact NSD's staffing levels, approval process, and role in national security cases?**

**RESPONSE:** I am not currently working in NSD and am therefore unable to advise on the potential impacts of such a hypothetical restructuring.

The proposed reorganization of the Justice Department will make it difficult for NSD to ensure consistency in the interpretation and enforcement of national security law.

- b. How will you ensure that U.S. Attorney's Offices apply national security law and pursue priorities in a consistent manner?**

**RESPONSE:** I believe that NSD will continue to have the necessary resources to do such work.

6. On January 21, President Trump pardoned Ross Ulbricht, the founder of Silk Road.

- a. Were you or NSD consulted prior to the pardoning of Ross Ulbricht?**

**RESPONSE:** I was not consulted and, since I am currently not in NSD, I cannot speak to whether they were.

In January, Eun Young Choi—one of the senior prosecutors from NSD assigned to the case against Ulbricht—was reassigned to immigration enforcement.

- b. Was any Trump campaign donor or any individual associated with the Trump campaign or DOJ leadership involved in the decision to reassign Eun Young Choi? If so, please identify these individuals.**

**RESPONSE:** Please see my response to Question 1a.

- c. What role, if any, did you have in Choi's reassignment?**

**RESPONSE:** Please see my response to Question 1a.

7. In March 2017, you were identified as one of three White House officials involved in the handling of classified intelligence files that were inappropriately and secretly shared with Representative Devin Nunes, the then-Chairman of the House Intelligence Committee. The files, which showed that Trump campaign officials were swept up in U.S. surveillance of foreign nationals, were used to bolster President Trump's false accusations that the Obama Administration wiretapped phones at Trump Tower in 2016.

- a. What was your involvement in the handling of classified intelligence files that were shared with Representative Nunes in 2017?**

**RESPONSE:** I do not accept your assertion that I inappropriately and secretly shared files with Rep. Nunes. Beyond that, I cannot discuss information that may be subject to executive privilege.

**b. Why did you share these files with Representative Nunes?**

**RESPONSE:** Please see my answer to Question 7a.

**c. When did you share these files with Representative Nunes?**

**RESPONSE:** Please see my answer to Question 7a.

**d. During our meeting, you told me that you also shared these files with then-House Intelligence Committee Ranking Member Adam Schiff. When did you share the files with Ranking Member Schiff compared to when you shared them with Representative Nunes?**

**RESPONSE:** Without accepting your characterizations, public news reports indicate that then-Representative Schiff viewed intelligence at the White House in late March or early April 2017.

8. On January 19, 2021, President Trump appointed you as one of his seven representatives to the National Archives and Record Administration (NARA) “in all respects that pertain to the records of [his] Presidency.” On August 12, 2022, John Solomon read a statement purportedly from President Trump’s office claiming that President Trump “had a standing order...that documents removed from the Oval Office and taken to the residence were deemed to be declassified the moment he removed them.” In 2023, President Trump was indicted by a grand jury with ultimately 40 felony counts related to mishandling classified documents post-presidency. Then a private citizen, President Trump publicly claimed that he declassified these documents, providing no proof of this assertion.

**a. Did you play any role in the preparation of the August 12, 2022 statement made by John Solomon?**

**RESPONSE:** No.

**b. If not, were you and the other NARA representatives appointed by President Trump made aware of Solomon’s statement before he made it on August 12, 2022?**

**RESPONSE:** I was not. I cannot speak for others.

**c. Is Solomon’s statement true? Did President Trump issue a standing order declassifying documents removed from the Oval Office and taken to his residence?**

**RESPONSE:** I have no basis to know.

- d. **How can you be trusted with classified and otherwise controlled government records as the Assistant Attorney General for the NSD in President Trump's second administration, when under your watch as his NARA representative President Trump egregiously mishandled classified and otherwise controlled government records and obstructed their recovery by NARA for over a year?**

**RESPONSE:** . Without accepting your characterization of President Trump's actions, I believe my trustworthiness is clear. I have served in various national security roles throughout my career with access to the nation's most deeply guarded secrets. I have never been reprimanded or cited for mishandling classified information or controlled government records. I believe my record speaks for itself.

- e. **What policy changes would you support to improve compliance with the Presidential Records Act, Federal Records Act, and Freedom of Information Act, especially when national security matters are involved?**

**RESPONSE:** I have not studied the issue closely and cannot comment.

9. In April 2024, you joined other former senior national security officials in a letter urging the Senate to adopt the Reforming Intelligence and Securing America Act and extend Section 702 of the Foreign Intelligence Surveillance Act (FISA). Section 702 has enabled warrantless access to Americans' data, and many members of Congress believe significant reforms of Section 702 are necessary.

- a. **Will you commit, if confirmed, to working with Congress on reforms that safeguard the Fourth Amendment rights of Americans when Section 702 is next before Congress for reauthorization?**

**RESPONSE:** Yes, I will work with Congress on improving protections for Americans.

- b. **If confirmed, what will you do to improve the accuracy and candor of FISA applications submitted by NSD to the Foreign Intelligence Surveillance Court?**

**RESPONSE:** Without agreeing with your insinuations regarding NSD, I will hold my staff to the highest standards of accuracy, ethics, and candor in all matters, including FISA applications.

- c. **Given the recent U.S. District Court for the Eastern District of New York decision in *United States v. Hasbajrami* that warrantless searches of the communications of Americans that have been swept up in surveillance under Section 702 of the Foreign Intelligence Surveillance Act violate the Fourth Amendment, please explain your position on whether a judicial warrant, with**

**appropriate exceptions for exigent and other special circumstances, should be required before searching such communications.**

**RESPONSE:** Since I am not in NSD, I have not studied the latest district court opinions. If confirmed, I will continually review all pertinent case law and assess the implications for NSD's operations.

**d. If you oppose such a requirement, what safeguards do you believe are sufficient for protecting Americans' privacy and Fourth Amendment rights?**

**RESPONSE:** Please see my response to Question 9c.

10. The growth of machine learning technology and artificial intelligence (AI) capabilities have fundamentally changed commercial privacy and security issues. As foreign actors develop more sophisticated AI capabilities, the technology is changing the national security threat landscape.

**a. How do you assess the threat posed by generative AI to national security, particularly in election disinformation, deepfakes, or identity spoofing?**

**RESPONSE:** Such threats do exist.

**b. Do you believe existing criminal statutes are sufficient to address AI-enabled cybercrime and other related national security threats?**

**RESPONSE:** I commit to using current statutes to address such threats and to working with Congress and the Administration on improving current law to enhance such efforts.

**c. What role should NSD play in advising other agencies or the White House on regulating or securing critical AI and other infrastructure systems?**

**RESPONSE:** I believe NSD has an important role in advising various national security actors in the government on AI. If confirmed, I commit to working with the Administration to help counter the threats posed by AI.

**d. In your view, what criteria should trigger a Committee on Foreign Investment in the United States review of a tech company acquisition, particularly in cases involving personal data or AI capabilities?**

**RESPONSE:** I cannot address a hypothetical scenario without studying the specific facts and circumstances of the matter.

11. Recent cyber campaigns by Chinese state-backed actors have targeted critical infrastructure, including telecom and cloud systems.



- a. **What role should NSD play in deterring and responding to such attacks?**

**RESPONSE:** If confirmed, I will enforce existing Federal law as appropriate to prevent and deter such attacks. And I will work to ensure that we are collecting the information needed to protect the nation through FISA and other authorities.

- b. **If confirmed, how would you approach evaluating the national security risks of Chinese-linked investments in American cloud, data, and biotech firms?**

**RESPONSE:** If confirmed, I will consult with career staff at NSD and across the Department to make informed decisions.

12. State-sponsored cyberattacks are increasingly a cybersecurity threat to national security.

- a. **If confirmed, how will you coordinate with other agencies (like the Cybersecurity and Infrastructure Security Agency and National Security Agency) and the private sector to investigate and disrupt state-sponsored cyber operations?**

**RESPONSE:** If confirmed, I will work with my interagency and industry partners to enforce existing Federal law as appropriate to prevent, disrupt, and deter such operations.

- b. **Do you support the public attribution of state-sponsored cyberattacks through criminal indictments, even when prosecution is unlikely? What benefits and risks to this approach do you see?**

**RESPONSE:** I cannot address a hypothetical scenario without studying the specific facts and circumstances of the matter. In any such case, I commit to following all applicable laws and Department best practices, in consultation with the Attorney General, Deputy Attorney General, and ethics counsel.

- c. **If confirmed, will you advocate for greater declassification of cyber threat intelligence in criminal or civil actions to raise public awareness and deterrence?**

**RESPONSE:** I generally support greater transparency and the need to be open with the public.

13. You have occasionally commented on the law of war, including at a September 2023 Federalist Society event.

- a. **What criteria do you believe must be met under domestic and international law before the United States may lawfully use military force abroad, including conducting lethal strikes?**

**RESPONSE:** The use of military force is one of the most serious and consequential decisions any Administration can take. Deciding whether to do so depends heavily on the facts and circumstances present when a decision is called for.

- b. Under what circumstances, if any, do you believe it would be lawful for a president to use military force without Congressional authorization?**

**RESPONSE:** Please see my response to Question 13a. I believe that the Office of Legal Counsel has issued several public opinions on this question.

- c. Do you believe that the executive branch, including the Federal Bureau of Investigation, can violate international law, including customary international law and treaties to which the United States is a party?**

**RESPONSE:** I cannot address a hypothetical scenario without studying the specific facts and circumstances of the matter.

14. Last week, public reporting detailed a shocking security breach involving Defense Secretary Hegseth and other Cabinet officials over Signal, a commercial messaging app. During your hearing, I asked you whether this breach should be investigated by the Justice Department. You stated that you did not “know what the facts actually are” and “wouldn’t want to opine on that until [you] knew what they were.”

You also told Senator Schiff that you had not read the Signal chat and did not know of the surrounding circumstances, in part due to your preparation for your hearing.

More than a week has now passed since news of this security breach broke and your hearing took place.

- a. Do you agree that the Department of Justice must thoroughly and impartially investigate this breach?**

**RESPONSE:** As I testified before Congress, I have not carefully reviewed the article referenced in the question. I would need to have more detailed information and relevant facts to make an informed determination.

- b. If criminal violations have occurred, do you agree that the Justice Department must fairly and impartially prosecute those responsible?**

**RESPONSE:** Please see my response to Question 13a.

- c. If confirmed to lead NSD, would you be comfortable with NSD officials using an unsecure commercial messaging app to share and discuss highly sensitive, classified, or controlled information?**

**RESPONSE:** Classified information must be shared in a manner that is appropriate for the level of classification. If confirmed, I will ensure that NSD complies with all applicable laws and procedures on the sharing of classified information.

On March 31, I sent a letter with other Senators to Attorney General Bondi, urging her to appoint a Special Counsel to thoroughly and impartially investigate this security breach.

- d. Do you agree that Attorney General Bondi should appoint a Special Counsel to thoroughly and impartially investigate this security breach?**

**RESPONSE:** Please see my response to Question 13a.

On April 1, additional public reporting revealed that members of President Donald Trump's National Security Council, including National Security Advisor Michael Waltz, have conducted government business over personal Gmail accounts.

- e. Do you believe it is appropriate for members of the National Security Council to use personal Gmail accounts to conduct government business?**

**RESPONSE:** Please see my response to Question 13a.

**Nomination of John Andrew Eisenberg  
To be Assistant Attorney General for the National Security Division  
Questions for the Record  
Submitted April 2, 2025**

**QUESTIONS FROM SENATOR WHITEHOUSE**

**Please answer each question and sub-question individually and as specifically as possible.  
Where indicated, please provide only yes or no answers.**

1. On July 25, 2019, President Trump had a phone call with Ukrainian President Zelenskyy, in which Trump asked Zelenskyy to investigate Joe and Hunter Biden. When the content of this call was reported to you, why did you suggest that the record of that call be moved to a system reserved for highly classified information?

**RESPONSE:** Without accepting your characterization of my actions, I cannot discuss information potentially subject to executive privilege.

2. Is it proper for government officials to discuss planned military operations, including details about targets and weapon systems, through a commercial messaging app like Signal?

**RESPONSE:** As I stated at my hearing, it depends on the facts.

a. Is it proper to discuss which weapon systems will be used in a strike (*e.g.*, “F-18s,” “MQ-9s,” “sea-based Tomahawks”) through a commercial messaging app like Signal?

**RESPONSE:** Please see my response to Question 2.

b. Is it proper to discuss the timing of a strike (*e.g.*, “1415: Strike Drones on Target (THIS IS WHEN THE FIRST BOMBS WILL DEFINITELY DROP, pending earlier ‘Trigger Based’ targets)”) through a commercial messaging app like Signal?

**RESPONSE:** Please see my response to Question 2.

c. Is it proper to discuss the whereabouts of targets (*e.g.*, “Target Terrorist is @ his Known Location so SHOULD BE ON TIME”) through a commercial messaging app like Signal?

**RESPONSE:** Please see my response to Question 2.

3. What is the standard for invoking the state secrets privilege?

**RESPONSE:** Consistent with the past practice of nominees to serve as Assistant Attorney General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question.

4. Is it proper for the government to invoke the state secrets privilege to avoid answering a judge's questions, even *in camera*, about whether it complied with a court order?

**RESPONSE:** Please see my response to Question 3.

5. If you catch Putin and his agents meddling in American elections, will you hold them accountable even if they are interfering to help President Trump?

**RESPONSE:** Protecting the integrity of our elections is a critically important function of the Department.

6. If confirmed, how will you maintain your independence from the president? Under what circumstances should the Department maintain its independence from the president?

**RESPONSE:** If I am confirmed, I will uphold my oath to the Constitution.

7. If confirmed, what will you do if representing the interests of the United States conflicts with the interests of the president?

**RESPONSE:** Please see my response to Question 6.

8. If you are confirmed, what would you do if the Attorney General or President directs you to take a position for improper reasons?

**RESPONSE:** I must respectfully reject your premise; the President has never directed me to do anything for improper reasons.

9. Do you believe that judges who issue orders that are unfavorable to the Trump administration should be impeached?

**RESPONSE:** Impeachment is an authority that is vested exclusively in the House of Representatives. As a nominee, it is inappropriate for me to comment on the potential actions of the House of Representatives.

10. Do you believe a federal judge issuing a temporary restraining order against the executive branch is tantamount to a coup?

**RESPONSE:** No.

11. Do you believe it is appropriate to refer to judges who rule against President Trump as "political terrorists"?

**RESPONSE:** I would not refer to them in that manner.

12. Did Joe Biden win the 2020 presidential election?

**RESPONSE:** Joe Biden was certified as the President of the United States.

13. Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

**RESPONSE:** Protesters attacked police officers at the U.S. Capitol on January 6, 2021, and many of them were subsequently prosecuted.

14. Does the 22nd Amendment permit a president to be elected more than twice?

**RESPONSE:** I have not had an occasion to consider the question. However, it is my understanding that a person may only be elected President for two terms.

**Senate Judiciary Committee**  
**Questions for the Record**  
**on the Nomination of John Eisenberg**  
**to be Assistant Attorney General for the National Security Division**  
**April 1, 2025**  
**Senator Amy Klobuchar**

1. In 2023, your predecessor traveled to Kiev. He described how parts from U.S. and European manufacturers were found in Russian weapons and equipment seized in Ukraine. The Justice Department made it a priority to prosecute efforts to evade global sanctions and export controls.

- Will you commit to fully enforcing the export control and economic sanctions laws?

**Response:** As with all other laws for which the National Security Division is responsible, the Division will enforce export control and economic sanction laws consistent with prosecutorial discretion, the resources available, and the Attorney General's priorities for the Department generally and the Division specifically.

- Will you commit to continuing to enforce these laws against those who supply and aid Russia's war against Ukraine?

**Response:** Please see my response immediately above.

2. The U.S. faces a range of threats from Russian, Chinese, and Iranian malign activities designed to interfere with the 2024 election.

- Do you agree that foreign actors attempting to interfere with elections are national security threats?

**Response:** Yes.

- Will you commit to ensuring that the National Security Division does everything in its power to safeguard future elections from foreign election interference?

**Response:** Yes.

**Nomination of John Andrew Eisenberg  
To be Assistant Attorney General for the National Security Division  
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Submitted April 2, 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 your premise; the President has never asked me to do anything illegal or unethical.

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

**RESPONSE:** See my response to question 1.

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

**RESPONSE:** Justice Department lawyers should always uphold their oaths to support and defend the Constitution and act in accordance with laws, regulations, and Department policies.

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

**RESPONSE:** The Constitution sets out the remedy.

4. As a DOJ lawyer, 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, and Department policies.

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

**RESPONSE:** It is my understanding that 28 U.S.C. § 530D applies to situations in which the Department determines not to defend unconstitutional federal laws.



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

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

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

**RESPONSE:** It is my understanding that Attorneys General have issued memoranda governing Department officials' contacts with the White House. If confirmed, I would comply with all memoranda from the Attorney General; I would also comply with the law and the Constitution.

8. 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:** Please see my answer to Question 4.

9. 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 answer to Question 4.

10. 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:** Department employees work for the United States and the American people. The President is the elected representative of the American people.

- b. Do you consider the Assistant Attorney General for the National Security Division to be “the President’s lawyer”?

**RESPONSE:** Please see my answer to part a of this Question.

- c. Who does the DOJ National Security Division work for?

**RESPONSE:** The United States and the American people.

11. Section 702 of the Foreign Intelligence Surveillance Act (FISA) is up for reauthorization this year. Do you think the Constitution requires that law enforcement obtain a warrant before accessing Americans’ communications collected pursuant to Section 702?

**RESPONSE:** It is my understanding that Section 702 is not up for reauthorization until April 2026. In my view, Section 702 is an incredibly valuable tool to protecting against threats to our national security. At the same time, we have an obligation to protect the civil liberties of Americans. If I am confirmed, I would talk to the experts in the National Security Division to get a better understanding of this issue and with the Deputy Attorney General and the Attorney General to determine what additional steps should be taken to protect civil liberties of Americans.

12. Do you believe that government officials who break national security protocols, or disclose sensitive information on unsecure networks, should be held accountable?

**RESPONSE:** Of course. But what that means depends on all of the facts.

- a. What is the correct legal recourse for any such improper disclosures?

**RESPONSE:** Please see my answer to Question 12.

- b. What do you believe is the proper course of action following any such disclosures?

**RESPONSE:** Please see my answer to Question 12.

13. Under what circumstances may the President declare an invasion, pursuant to the *Alien Enemies Act*, and what role does Congress play in any such determination?

**RESPONSE:** As I am not currently in the National Security Division, I have not had occasion to study this issue in detail. If confirmed, I will do so if this question arises in my work.

14. How do you define a foreign adversary?

**RESPONSE:** I agree with the description laid out in the 2025 Annual Threat Assessment that foreign adversaries challenge U.S. interests in the world by attacking or threatening others in their regions, with both asymmetric and conventional hard power tactics, and promoting alternative systems to compete with the United States, primarily in trade, finance, and security.

15. In an Executive Order, President Trump prohibited the Attorney General from enforcing the *Protecting Americans from Foreign Adversary Controlled Applications Act* (otherwise known as the TikTok ban) for 75 days. That 75-day period ends on April 5, 2025.

- a. Is the administration required to enforce the TikTok ban thereafter? Please address the national security concerns regarding TikTok's data collection practices and relationship with a foreign adversary.

**RESPONSE:** As I am not currently in the National Security Division, nor was I at the Department when this law was enacted. I have not had occasion to study this issue in detail. If confirmed, I will do so if this question arises in my work.

16. Do the protections afforded to interactive computer services by Section 230 of the *Communication Decency Act* shield social media platforms and the algorithms fueling them from liability for advancing terroristic causes?

**RESPONSE:** As I am not currently in the National Security Division, I have not had occasion to study this issue in detail. If confirmed, I will do so if the need arises.

- a. What incentives exist for social media platforms to address adversarial foreign interference on their platforms?

**RESPONSE:** Please see response to Question 16.

17. Social media has enabled unprecedented amounts of Americans' personal data to be accessible to foreign adversaries, posing a risk of geopolitical manipulation. If confirmed, what tools does the National Security Division have to address the issue?

**RESPONSE:** Please see my response to Question 16.

- a. How will you use those tools?

**RESPONSE:** Please see my response to Question 16.

18. How important is the issue of foreign interference in U.S. elections and what role does your office play in addressing this issue?

**RESPONSE:** If I am confirmed, it will be very important to me to help to ensure that our elections are free from foreign interference.

19. What is the appropriate balance between privacy protections and the need for government access to data in national security crises?
- a. Please discuss specific laws, regulations, and policies in your answer.

**RESPONSE:** Please see my response to Question 11. Protecting the national security often requires weighing the need to collect information against the need to protect the civil liberties of Americans. If I am confirmed, I will look for ways to increase the protection of the civil liberties of Americans.

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To be Assistant Attorney General for the National Security Division  
Questions for the Record  
March 26, 2025**

**QUESTIONS FROM SENATOR MAZIE K. HIRONO**

1. Since President Trump took office, all four Deputy Assistant Attorney Generals in the National Security Division (NSD) have been removed. All were career prosecutors. The person originally appointed as acting head of the Division was replaced within only a few weeks of starting the job. This turnover has hollowed out the Division's institutional knowledge and endangers national security.

- a. **Is institutional knowledge important to the work of the National Security Division?**

**RESPONSE:** Generally, institutional knowledge can be helpful in any institution, but I believe the National Security Division still has such knowledge.

- b. **What involvement, if any, did you have with the decision to remove NSD's Deputy Assistant Attorneys General?**

**RESPONSE:** Since I am not currently in NSD I was not involved with the personnel decisions.

2. On March 26, 2025, *The Atlantic* published an article entitled "Here Are the Attack Plans That Trump's Advisers Shared on Signal." Please review the article before answering the following questions.

- a. **Is sharing of classified information over unclassified channels prohibited?**

**RESPONSE:** Generally, yes.

- b. **If a member of the military or Intelligence Community shares classified information over an unclassified channel, can they be subject to discipline or dismissal?**

**RESPONSE:** It depends on the facts of the case.

- c. In one screenshot, an individual identified as "John Ratcliffe," the name of President Trump's Director of the Central Intelligence Agency states, "From CIA perspective, we are mobilizing assets to support now but a delay would not negatively impact us and additional time would be used to identify better starting points for coverage on Houthi leadership." **As a nominee to lead the National Security Division, if true, is the information provided in this Ratcliffe message the kind of information you would expect to be classified?**

**RESPONSE:** As I testified before Congress, I would need to have more detailed information and relevant facts to make an informed determination.

- d. In one screenshot, an individual identified as “Pete Hegseth,” the name of President Trump’s Secretary of Defense states the times and movements of military assets. Specifically:
- i. Hegseth writes “1215et: F-18s LAUNCH (1st strike package).” **As a nominee to lead the National Security Division, if true, is the information provided in this message by Hegseth the kind of information you would expect to be classified?**

**RESPONSE:** Please see my response to Question 2c.

- ii. Hegseth writes “1345: “Trigger Based” F-18 1st Strike Window Starts (Target Terrorist is @ his Known Location so SHOULD BE ON TIME) – also, Strike Drones Launch (MQ-9s).” **As a nominee to lead the National Security Division, if true, is the information provided in this message by Hegseth the kind of information you would expect to be classified?**

**RESPONSE:** Please see my response to Question 2c.

- iii. Hegseth writes “1415: Strike Drones on Target (THIS IS WHEN THE FIRST BOMBS WILL DEFINITELY DROP, pending earlier “Trigger Based” targets).” **As a nominee to lead the National Security Division, if true, is the information provided in this Hegseth message by Hegseth the kind of information you would expect to be classified?**

**RESPONSE:** Please see my response to Question 2c.

- iv. Hegseth writes “We are currently clean on OPSEC.” **As a nominee to lead the National Security Division, if true, is the information provided in this message by Hegseth the kind of information you would expect to be classified?**

**RESPONSE:** Please see my response to Question 2c.

- e. In one screenshot, an individual identified as “Michael Waltz,” the name of President Trump’s National Security Advisor states “The first target - their top missile guy - we had positive ID of him walking into his girlfriend’s building and its now collapsed.” **As a nominee to lead the National Security Division, if true, is the information provided in this message by Michael Waltz the kind of information you would expect to be classified?**

**RESPONSE:** Please see my response to Question 2c.

- f. In general, is the movement of military assets during a military operation the kind of information you would expect to be classified?

**RESPONSE:** Often, yes.

- g. If you have declined to answer any of the above questions, is it because the members of President Trump's administration named above could be subject to prosecution by the National Security Division under 18 U.S.C. § 793(f)?

**RESPONSE:** I have responded to all of the questions above.

**Nomination of John Andrew Eisenberg**  
**To be Assistant Attorney General for the National Security Division**  
**Questions for the Record**  
**Submitted April 2, 2025**

**QUESTIONS FROM SENATOR SCHIFF**

1. Have you ever contributed to any Department of Justice Attorney General or Office of Legal Counsel Opinions regarding warrantless wiretapping? If the answer is yes, please list each respective opinion you contributed to below.

**RESPONSE:** I have contributed to various OLC opinions during my time at the Department. However, I cannot recall each individual opinion that I contributed to in order to list them.

2. Have you ever contributed to any Department of Justice Attorney General or Office of Legal Counsel Opinions regarding torture? If the answer is yes, please list each such opinion you contributed to below.

**RESPONSE:** Please see answer to Question 1.

3. You served as the Legal Advisor on the National Security Council during the first Trump Administration. In your role as the NSC's Legal Advisor, you participated in numerous Principals Committee meetings and other conversations led by the National Security Advisor, including those involving planned military activity and other sensitive national security matters.

a. During the first Trump Administration, did any of the National Security Advisors hold or coordinate Principal-level meetings or discussions using unclassified messaging applications?

**RESPONSE:** Not to my knowledge.

b. During the first Trump Administration, are you aware of any meetings coordinated by the National Security Council regarding planned military activity being held or conducted using unclassified messaging applications?

**RESPONSE:** Not to my knowledge.

4. Are you aware of any NSC meetings, Principals meetings, or Deputies meetings conducted using a commercial messaging or email application since January 1, 2025?

**RESPONSE:** In my current position at the Department, I have not attended such meetings, so I do not know how these meetings are conducted.

a. If so, how many?

**RESPONSE:** Please see my response to Question 4.



5. You have served as Senior Counselor to the Attorney General at the Department of Justice since February 2025. Did anyone from the Department of Justice participate in the “Houthi PC Small Group” message chain, which was reportedly initiated by National Security Advisor Michael Waltz in March 2025?

**RESPONSE:** Not to my knowledge.

a. If so, who participated?

**RESPONSE:** Please see my response to Question 5.

b. Did they use their work or personal devices?

**RESPONSE:** Please see my response to Question 5.

c. Were they participating from a secure facility accredited for classified conversation or electronic communication?

**RESPONSE:** Please see my response to Question 5.

6. Are you aware of the National Security Advisor convening any other meetings that relied on Signal or other commercial messaging or email applications beyond the “Houthi PC Small Group” described in the Atlantic since you arrived at the Department of Justice in February 2025?

**RESPONSE:** No.

7. Are there heightened concerns and precautions to protect the security of classified information when government officials with security clearances travel overseas?

**RESPONSE:** Yes. Government officials should consult with their security offices and follow recommended precautions when they anticipate working overseas.

8. Reporting indicates that Steve Witkoff, President Trump’s envoy, was in Russia when he was included in the group Signal chain. Do you think Russia would have an interest in hacking and spying on the phone of someone like Mr. Witkoff?

**RESPONSE:** Please see my response to Question 7. This is not an appropriate forum to comment on national security threats posed by any specific country.

9. What laws protect sensitive national security information from disclosure?

**RESPONSE:** Several laws protect sensitive national security information. Without additional information about the specific facts and circumstances, I am unable to answer.

10. Do you support DOJ opening an investigation into the apparent unauthorized disclosure of classified national security information contained in the “Houthi PC small group” chat discussion referenced in the article?

**RESPONSE:** As I stated at my hearing, I would need to know more information about the matter to make a determination.

11. Since the beginning of the new Administration, several senior career attorneys at the National Security Division have been reassigned or terminated. This includes four Deputy Assistant Attorney Generals in the Division: George Toscas, Eun Young Choi, Melissa MacTough, Brad Wiegmann, and the executive officer of the division, Scott Damelin. Do you know any of these former NSD officials?

**RESPONSE:** Yes, I know some of these people.

a. Were they all career personnel, as opposed to political appointees, at NSD when they were removed from their positions?

**RESPONSE:** I believe they were career personnel.

b. Given their collective several decades of service at DOJ, how is our national security strengthened by removing these officials?

**RESPONSE:** I am not in NSD and so cannot offer an opinion.

c. How do you plan to ensure their departures do not interfere with your ability to effectuate the mission of the National Security Division?

**RESPONSE:** If confirmed, I will work to ensure any open positions are filled by strong candidates.

12. Before or since the inauguration, has President Trump or any another official at the White House ever asked, suggested, or implied that you or anyone at the National Security Division should open or undertake a review or an investigation of anyone?

**RESPONSE:** No.

13. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether the DOJ should initiate or undertake a review of activities by current or former U.S. government officials or other private citizens?

**RESPONSE:** I cannot address a hypothetical scenario without studying the specific facts and circumstances of the matter. I commit to following all applicable laws in consultation with the Attorney General, Deputy Attorney General, and ethics counsel.

14. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether the DOJ should initiate or undertake an investigation of current or former U.S. government officials or other private citizens?

**RESPONSE:** Please see my response to Question 13.

15. Do you agree it would be improper for the White House to direct, task, or otherwise provide input on whether the DOJ should pursue criminal charges against current or former U.S. government officials or other private citizens?

**RESPONSE:** Please see my response to Question 13.

16. Please guarantee in writing to this Committee that any and all investigative decisions taken by the U.S. Department of Justice's National Security Division during your tenure, if confirmed by the Senate, will be free from any political, partisan, financial, or personal motive, including your own.

**RESPONSE:** All investigative decisions will be based on the facts and applicable law.

17. Please guarantee in writing to this Committee that any and all investigative decisions taken by U.S. Department of Justice's National Security Division during your tenure, if confirmed by the Senate, will not be informed in any way by the desires or direction of President Trump, the White House, or any associates of President Trump.

**RESPONSE:** Please see my response to Question 16.

18. Would you resign as U.S. Department of Justice's National Security Division if you were ever ordered or directed to take any actions that are unlawful or unconstitutional?

**RESPONSE:** Please see my response to Question 16.

19. On July 21, 2021, Attorney General Garland issued a memorandum on the "Department of Justice Communications with the White House," more commonly referred to as the White House Contacts policy. Please guarantee you will abide by the restrictions in this memorandum.

**RESPONSE:** I commit to following all applicable laws and Department policy in consultation with the Attorney General, Deputy Attorney General, and ethics counsel.

20. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government, including at the National Security Division. If confirmed, do you commit to protecting and in no way adversely affecting the employment of any employees who report internal waste, fraud and abuse of authority, including any activity that may involve you, through the proper channels to DOJ management, to the DOJ Inspector General, and to Congress?

**RESPONSE:** Yes.

21. If confirmed, do you commit to not retaliating in any way against whistleblowers across the federal government if they disclose wrongdoing by the Trump Administration, including President Trump or you, as is required by law?

**RESPONSE:** Yes.

22. Do you believe that the President of the United States or other White House officials have the authority to fire career DOJ officials, including attorneys in DOJ's National Security Division?

**RESPONSE:** I have not studied the issue or applicable law. Therefore, I cannot comment on what personnel authorities the President has.

a. If you do, do you believe that the President of the United States or other White House officials *should* exercise such an authority to fire career DOJ officials, including attorneys in the National Security Division? Please explain your reasoning.

**RESPONSE:** Please see my response to Question 22.

23. Will you cooperate with efforts at the Justice Department and in Congress to improve laws and policies regarding whistleblowers to make sure they have stronger legal protections?

**RESPONSE:** Yes.

24. Do you believe any of the following are inappropriate topics in a conversation between the Assistant Attorney General for the National Security Division and the President:

a. Directing the AAG for the National Security Division to initiate an investigation or prosecution?

**RESPONSE:** I cannot comment on a hypothetical. If confirmed, all investigations and prosecutions will be based on the facts and the applicable law.

b. Suggesting that "someone" should initiate an investigation or prosecution?

**RESPONSE:** Please see my response to Question 24(a).

c. Directing or suggesting a specific action in an ongoing investigation or prosecution?

**RESPONSE:** Please see my response to Question 24(a).

d. Selecting the timing of investigative steps or criminal charges of pending investigations?

**RESPONSE:** Please see my response to Question 24(a).

25. Do you believe any of the following are inappropriate topics in a conversation between the Associate Attorney General for the National Security Division and any political allies of the President, including special government employees within the White House or another federal agency:

a. Directing the AAG for the National Security Division to initiate an investigation or prosecution?

**RESPONSE:** Please see my response to Question 24(a).

b. Suggesting that “someone” should initiate an investigation or prosecution?

**RESPONSE:** Please see my response to Question 24(a).

c. Directing or suggesting a specific action in an ongoing investigation or prosecution?

**RESPONSE:** Please see my response to Question 24(a).

d. Selecting the timing of investigative steps or criminal charges of pending investigations?

**RESPONSE:** Please see my response to Question 24(a).

26. Do you agree that increased political influence over prosecutorial decisions by the AAG for the National Security Division would institute a significant shift from the Justice Department’s nonpartisan norms?

**RESPONSE:** The Department’s investigative and prosecutorial decisions should be based on the facts and the applicable law.

27. Have you used Signal or other commercially available messaging or email applications to communicate with individuals at the White House, DOJ, or FBI regarding ongoing or anticipated reviews or investigations, including law enforcement sensitive information?

**RESPONSE:** No.