

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Daniel E. Burrows
Nominee to be Assistant Attorney General for the Office of Legal Policy
December 29, 2025

1. During your tenure as Legal Director, the Public Trust Institute stated that individuals who disagree with the Supreme Court's ruling in *Citizens United v. FEC* "want to repeal the First Amendment."

Do you believe that disagreeing with the decision in *Citizens United* is akin to wanting to repeal the First Amendment?

RESPONSE: The Supreme Court has held that the ruling in *Citizens United* is required by the First Amendment. The way to change that is to amend the Constitution.

2. As Chief Deputy Attorney General of Kansas, you requested the introduction of HB 2782, which would allow the use of nitrogen hypoxia to carry out the death penalty. Human rights experts expressed serious concerns that this method can result in a painful and humiliating death, and they have called for a ban on the method.

Do you still believe that nitrogen hypoxia is a humane method of execution?

RESPONSE: The Eighth Amendment prohibits "cruel and unusual punishments." Based on what I know today, I think executions via nitrogen hypoxia can be carried out consistent with that requirement.

3. During your tenure as Chief Deputy Attorney General for the state of Kansas, Attorney General Kris Kobach allegedly fired the law firm Morgan & Morgan over the firm's donations to Democratic candidates. The office had hired Morgan & Morgan to sue Macquarie Energy for allegedly price gouging Kansas residents.

- a. **Did the donations of Morgan & Morgan's leadership play any role in the office's decision to fire the firm?**

RESPONSE: I served the State of Kansas as an attorney in the Office of the Attorney General. Under the rules of professional conduct for both of the states in which I am licensed, I am prohibited from revealing information relating to the representation of a client without the client's informed consent.

- b. **During a discussion about the termination of Morgan & Morgan, Attorney General Kobach stated, "It is of interest that, yeah, this firm does have, you know, heavy leanings in the Democrat direction in terms of their own politics." What do you believe Attorney General Kobach meant by this statement?**

RESPONSE: I cannot speak to what Attorney General Kobach may have meant by this statement.

- c. Is it appropriate for a government agency to fire a law firm due to the political donations of the firm's leadership?**

RESPONSE: Parties in litigation have a right to choose who will represent them.

- d. You and Attorney General Kobach claimed Morgan & Morgan was fired for performance issues, but canceled the contract using a convenience clause, rather than for cause. If the firm was fired for performance reasons, why did the Attorney General's Office not terminate the firm for cause?**

RESPONSE: I served the State of Kansas as an attorney in the Office of the Attorney General. Under the rules of professional conduct for both of the states in which I am licensed, I am prohibited from revealing information relating to the representation of a client without the client's informed consent. I can note that the publicly available contract between the State of Kansas and Morgan & Morgan allowed the Director of Purchases to terminate the contract "for any reason" when he determined "that the termination [was] in the best interest of the State of Kansas." I also note that, under Kansas law, including but not limited to Kan. Stat. Ann. §§ 75-702 and 75-710, the Attorney General has full authority to both choose who will represent the state in litigation and control the course of that litigation.

- e. Morgan & Morgan founder John Morgan stated that the decision to fire the firm was "all about politics, and the people and taxpayers have suffered." How much taxpayer money did the office use in related litigation costs after terminating the contract with the firm?**

RESPONSE: I do not know how much money was spent, but the State's contract with the firm that replaced Morgan & Morgan is a matter of public record. As for John Morgan and the supposed suffering of the people and the taxpayers, he did not seem particularly concerned about that when, as has been publicly reported, his firm refused for a time to return the whole client file to the state in what seemed to me like an effort to sabotage the case.

- f. To replace Morgan & Morgan, your office hired a law firm founded by the Republican Attorney General of Nebraska and his wife. How did your office decide to hire this firm?**

RESPONSE: We solicited bids, consistent with Kansas law, and went through the steps required by the state's Professional Services Sunshine Act.

- 4. Documents revealed by an open records lawsuit revealed that Attorney General Kobach used his personal email for work purposes, including several emails he exchanged with you.**

- a. **If confirmed, will you commit not to use your personal email or messaging services like Signal for official work communications?**

RESPONSE: Yes.

- b. **The open records lawsuit revealed emails you sent to Attorney General Kobach about plans to submit an op-ed in “traditional conservative media” to help raise Attorney General Kobach’s profile. Is it appropriate for the chief law enforcement officer of a state to use taxpayer funds to further his political aspirations?**

RESPONSE: It is important for an elected official to reach their constituents while serving them.

5. **If confirmed, you will be working with members of the Senate on judicial nominations.**

- a. **Do you believe it is important that the Trump Administration engage in good-faith, bipartisan discussions with home-state Senators to select qualified judicial nominees?**

RESPONSE: Yes.

- b. **Do you believe that the Trump Administration should be transparent with home-state Senators about who the President plans to select or is considering selecting for judicial vacancies?**

RESPONSE: Yes.

- c. **Do you believe that the advice and consent role of the Senate is an important part of the Constitution’s system of checks and balances?**

RESPONSE: Yes.

6. **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 a far-fetched hypothetical, which I do not believe will occur. If I thought I would be given illegal orders, I would not have accepted the nomination. The Office of Legal Policy will not make or implement illegal or unethical decisions under my leadership. If I were directed to do something that I believed was illegal or unethical, I would raise the issue with the relevant superior. If, after that discussion, I still believed the action to be illegal or unethical and were still ordered to do it, I would resign.

7. **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.

- 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, and including 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: I have not had the opportunity to study or otherwise consider this issue in depth during my career, so I cannot provide a reasoned response to this question.

- 8. 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: I have friends and acquaintances who are members of the Federalist Society (I myself am a member as well). I am sure that I have mentioned my nomination to some of them. I have not spoken with Mr. Leo or Mr. Calabresi specifically.

- 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: I have been a speaker at two events hosted by local Federalist Society chapters, as disclosed in my public questionnaire prior to my hearing. As a Federalist Society chapter officer in law school and member since that time, I have also attended various Society events.

- c. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

RESPONSE: Not that I recall. I have had some of my travel expenses reimbursed.

- 9. 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: I have friends and acquaintances who are Teneo members. I am sure I have mentioned my nomination to some of them. I have not spoken with Mr. Leo specifically.

- 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.

10. 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: Not that I am aware of.

- 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: When I was the legal director for the Public Trust Institute and Advance Colorado I was invited to Heritage’s periodic legal strategy fora, but I never attended. I did occasionally attend videoconferences hosted by the Foundation. In the last year I attended a reception and a Bible study at the Heritage Foundation building, but I do not remember if those events were sponsored by the Foundation itself or merely hosted at its building. I was probably invited to and may have attended events hosted by the Foundation when I was a House staffer in 2003–04, but I have no solid recollection of them.

- c. **Were you ever involved in or asked to contribute to Project 2025 in any way?**

RESPONSE: I submitted my resume to their resume bank.

- 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.

11. 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: Not that I am aware of.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

RESPONSE: I attended at least one videoconference hosted by AFPI as a surrogate for Attorney General Kobach some time in 2023–24.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

RESPONSE: No.

12. 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: I have friends and acquaintances, including Mr. Hamilton, who are currently or were formerly employed by AFLI. I am sure I have mentioned my nomination to some of them. I have not spoken to Mr. Epstein specifically.

- 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: I have been invited to various receptions and other widely attended gatherings hosted by the group and have attended, if I remember correctly, two.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

RESPONSE: No.

13. 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: I have known Mr. Davis since shortly after I moved to Denver in 2008. I am sure I have mentioned my nomination to him. I have not spoken to Mr. Chamberlain or Mr. Hammer.

- 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: I have been invited to various receptions and other widely attended gatherings hosted by the group and have attended, if I remember correctly, two.

- 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.

14. 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: I have friends and acquaintances who are currently or formerly affiliated with ADF. I am sure I have mentioned my nomination to some of them.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

RESPONSE: I attended, if I recall correctly, two events hosted by ADF when I was the Chief Deputy Attorney General of Kansas. I also attended their Christmas party this year.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

RESPONSE: Not that I recall. I have had some of my travel expenses paid for/reimbursed.

Senate Judiciary Committee
Nomination Hearing
December 17, 2025
Questions for the Record
Senator Amy Klobuchar

For Daniel Burrows, to be Assistant Attorney General for the Office of Legal Policy

Under the Trump administration, the Department of Justice has advanced arguments in court supporting the refunding of restitution payments made by convicted January 6th defendants. The President has also floated the possibility of establishing a “compensation fund” for those convicted of crimes related to the January 6th attack on the Capitol, and Justice Department officials have reportedly met with representatives of those who are seeking cash compensation for their violent and illegal behavior.

- Do you believe that the administration has the unilateral authority to establish a “compensation fund” without direct authorization from Congress?

RESPONSE: I know that Art. I, § 7 of the Constitution says that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law,” and that the Anti-Deficiency Act generally prohibits augmentation of appropriated funds except when authorized by law. But I do not know whether appropriated funds or sufficient other authority exists for such a fund, and I have not had the opportunity to study or otherwise consider this issue in depth during my career, so I cannot provide a reasoned response to this question.

- Do you think it is appropriate for those convicted of offenses related to the January 6th attack on the Capitol to receive financial compensation from the U.S. government?

RESPONSE: Please see my answer to your first question above. I do understand the U.S. Government must respond to claims from a wide variety of potential claimants, under the Federal Tort Claims act or otherwise, and I expect all branches of the Federal government will address such claims consistent with the law.

**Nomination of Daniel Burrows to be
Assistant Attorney General for the Office of Legal Policy
Questions for the Record
Submitted December 29, 2025**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate executive nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

RESPONSE: Yes.

2. Do you believe that you, as the nominee to serve as the Assistant Attorney General for the Office of Legal Policy, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

RESPONSE: Yes.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

RESPONSE: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

RESPONSE: These responses were prepared with input from Department of Justice and Executive Office of the President 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.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

RESPONSE: I have made a good-faith effort to respond adequately to your questions. I do not think it is odd or inappropriate that I might have the same answer as others to the same sort of question. I cannot speak for other nominees regarding the answers they provide.

- c. Did you review the answers to my questions for the record submitted by previous nominees before answering these questions?

RESPONSE: I reviewed publicly available records to provide accurate information in answering these questions.

4. 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.

5. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no. I assume you would uphold your oath to support and defend the Constitution and that you would follow the law; I want to know what, specifically, you would do if put in this situation.

RESPONSE: This a far-fetched hypothetical, which I do not believe will occur. If I thought I would be given illegal orders, I would not have accepted the nomination. The Office of Legal Policy will not make or implement illegal or unethical decisions under my leadership. If I were directed to do something that I believed was illegal or unethical, I would raise the issue with the relevant superior. If, after that discussion, I still believed the action to be illegal or unethical and were still ordered to do it, I would resign.

- a. If you would not resign even if President Trump asked you to do something you judged to be illegal or unethical, is there any circumstance that would cause you to resign?

RESPONSE: Please see my answer above.

6. 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. I assume you would uphold your oath to support and defend the Constitution and that you would follow the law; I want to know what, specifically, you would do if put in this situation.

RESPONSE: Please see my answer to Question 5.

- a. If you would not resign even if Attorney General Bondi or another superior at the DOJ asked you to do something you judged to be illegal or unethical, is there any circumstance that would cause you to resign?

RESPONSE: Please see my answer above.

7. 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 of Justice attorneys serve in the executive branch of the federal government. Under Article II of the Constitution, the President is the head of the executive branch.

- b. Do you consider the Assistant Attorney General for the Office of Legal Policy to be “the President’s lawyer”?

RESPONSE: Please see my answer to Question 7(a).

- c. Who does the Office of Legal Policy work for?

RESPONSE: The Office of Legal Policy works for the United States and the American people.

8. I assume you believe that Justice Department lawyers should always uphold their oaths to support and defend the Constitution, and act in accordance with applicable laws, regulations, ethical obligations, and Department policies. What do these sources tell you about when it is appropriate for the Assistant Attorney General for the Office of Legal Policy to refuse to follow a directive of the President? Please include references to any specifically applicable provisions in your answer.

RESPONSE: It is unlikely that this will arise in the operations of either the Office of Legal Policy specifically or the Department of Justice more broadly. Nonetheless, as you note, Justice Department lawyers should uphold their oaths to support and defend the Constitution, and act in accordance with applicable laws, regulations, and Department policies, as well as the rules of their respective licensing authorities. See also my answer to Question 5.

9. I assume that if you are confirmed, you will always uphold your oath to support and defend the Constitution and that you would follow the law. How would these commitments inform your response if your role in the Office of Legal Policy required you to follow a policy directive that was unconstitutional? Please include references to any specifically applicable provisions in your answer.

RESPONSE: Please see my answer to Questions 5 and 8.

10. When is it appropriate for the Department of Justice to decide not to defend a federal law?

RESPONSE: I believe that 28 U.S.C. § 530D applies to situations in which the Department determines not to defend unconstitutional federal laws.

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

RESPONSE: The justiciability of the Take Care clause is unclear. *United States v. Texas*, 599 U.S. 670 (2023), the most recent Supreme Court case to address the Clause at any length, treated it as a reason to deny standing rather than a substantive claim. Another recent case where the justiciability of the Clause was squarely presented, *United States v. Texas*, 579 U.S. 547 (2016), was affirmed by an equally divided court.

- a. If you have never had occasion to consider this issue over the course of your career, which Department personnel would you consult if questions of this nature arise?

RESPONSE: If confirmed, should questions of this nature arise, I would consult with the relevant Department personnel and ensure the Office of Legal Policy is fulfilling its obligations.

- b. What specifically would you ask them to ensure that your office fulfills its obligations?

RESPONSE: The questions I would ask would depend the specific facts of the particular situation.

12. 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.

13. If confirmed, what procedures would you put in place to avoid politicization of the Office of Legal Policy and ensure consultation with career attorneys?

RESPONSE: I am not sure what you mean by "politicization." It was my experience in both the Colorado U.S. Attorney's Office and the Kansas Attorney General's Office that both longtime employees who have served several administrations and political appointees who come and go with each administration have important roles to play in a government agency.

14. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

RESPONSE: Ever since the President nominated me, I have been meditating on two Biblical examples of public servants. The first is Solomon. In I Kings 3, Solomon has just become the ruler of Israel, and seeing the enormous responsibility before him, he prays not for power or riches or worldly success, but for "an understanding mind to govern [God's] people, that [Solomon] may discern between good and evil." The second is my namesake, Daniel. Despite being an exile in a foreign land, Daniel becomes a trusted and invaluable advisor to a series of rulers. But the whole thing starts when he takes a risky stand for what he thought was right. In that moment, God gives "Daniel favor and compassion," and in the end Daniel proves himself "ten times better" than any other government official "in every matter of wisdom and

understanding about which the king inquired of [him].” When I look at these examples, and I think about the office for which I am being considered, I pray that God will give me too the necessary wisdom, courage, and prudence to serve the people of these United States well and truly.

15. What case or legal matter are you most proud of having worked on during your career?

RESPONSE: This is a difficult question because nearly every matter I’ve worked on was important to someone, and I’m proud whenever I’m able to help a client, bring a criminal to justice, etc.—regardless of how big or small the case may have been in the grand scheme of things. That said, the pinnacle of my career from a professional perspective was probably representing twenty-six state legislators in the Colorado Supreme Court in *In re Interrogatory on House Bill 21-1164*, 487 P.3d 636 (Colo. 2021). It was an unusual proceeding (legal questions sent directly from the legislature to the court) and my first state supreme court argument, all on a very short timeline. That twenty-six senators and representatives put their faith in me to present their arguments in that case, and that I could do it in my home state in front of our state’s highest court, was both humbling and exciting.

16. 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 Office of Legal Policy?

RESPONSE: I will work closely with the Attorney General and the Deputy Attorney General to advance the principles set forth by the Attorney General.

17. Your predecessor in this position, Aaron Reitz, said during his Senate Judiciary Committee nomination hearing that with respect to judicial nominations, the role

“necessarily means working collaboratively with the Judiciary Committee as well as individual home-state senators.”

- a. Do you agree with Reitz’s statement?

RESPONSE: Yes.

- b. What kind of collaboration with home-state senators will you pursue with respect to federal circuit judges?

RESPONSE: I intend to be transparent and work with both the Judiciary Committee and individual home state Senators, understanding both that nominations are the President’s to make and that any appointment may only come with the advice and consent of the Senate.

- c. Do you support maintaining the blue slip tradition for federal district court judges?

RESPONSE: If confirmed and appointed as the Assistant Attorney General for the Office of Legal Policy, I must work in the world as it exists. Since the Senate currently operates with the blue slip tradition, I would work within those parameters to get the President’s nominees confirmed.

- d. Do you support maintaining the blue slip tradition for U.S. Attorneys?

RESPONSE: Please see my answer to Question 17(c).

- e. Do you support maintaining the blue slip tradition for U.S. Marshals?

RESPONSE: Please see my answer to Question 17(c).

- f. Would you oppose efforts by the Senate to advance nominees for federal district court judgeships, U.S. Attorneys, and U.S. Marshals if those nominees do not receive affirmative blue slips from both home-state senators?

RESPONSE: Please see my answer to Question 17(c).

- 18. In a response to one of my questions for the record upon his nomination in March, Reitz wrote that “Senate Judiciary Committee Chairman [sic] of both parties have consistently respected the blue slip process, and I have no reason to believe this administration would argue for change in this important tradition.” Do you agree with Reitz’s statement?

RESPONSE: No. In the months since Mr. Reitz’s responses, the President has occasionally argued for eliminating the blue slip tradition. Nonetheless, see my answer to Question 17(c).

- 19. Contrary to Reitz’s statement, President Trump has repeatedly pressured Judiciary Committee Chairman Grassley to abandon the blue slip tradition. On August 24, 2025, President Trump posted on Truth Social: “I have a Constitutional Right to appoint Judges and U.S. Attorneys, but that RIGHT has been completely taken away from me in States that have just one Democrat United States Senator. This is because of an old and outdated ‘custom’ known as a BLUE SLIP, that Senator Chuck Grassley, of the Great

State of Iowa, refuses to overturn . . . Chuck Grassley should allow strong Republican candidates to ascend to these very vital and powerful roles, and tell the Democrats, as they often tell us, to go to HELL!”

On October 16, 2025, President Trump posted on Truth Social: “I have eight GREAT U.S. Attorneys, Highly Respected ALL, who will not be confirmed for their positions in various Highly Consequential States only because they’re Republicans, and the Democrats have convinced Chuck Grassley to honor the stupid and outdated ‘Blue Slip’ tradition, which precludes very talented and dedicated people from attaining High Office.”

On December 11, 2025, President Trump posted on Truth Social: “‘Blue Slips’ are making it impossible to get great Republican Judges and U.S. Attorneys approved to serve in any state where there is even a single Democrat Senator. . . . It is shocking that Republicans, under Senator Chuck G, allow this scam to continue. So unfair to Republicans, and not Constitutional. I am hereby asking Senate Majority Leader John Thune, a fantastic guy, to get something done, ideally the termination of Blue Slips.”

- a. Do you agree with President Trump’s August 24, 2025, Truth Social post quoted above?

RESPONSE: Please see my answer to Question 17(c).

- b. Do you agree with President Trump’s October 16, 2025, Truth Social post quoted above?

RESPONSE: Please see my answer to Question 17(c).

- c. Do you agree with President Trump’s December 11, 2025, Truth Social post quoted above?

RESPONSE: Please see my answer to Question 17(c).

- d. At any point during the process that led to your nomination, did you make any representations to President Trump or anyone else about your support of the blue slip tradition?

RESPONSE: The only people whom I recall asking me anything about the blue slip tradition at any point during the nomination process are the staff of Democratic Senators, during courtesy visits on December 16, 2025.

- e. Do you agree with President Trump that the blue slip tradition takes away his “Constitutional Right to appoint Judges and U.S. Attorneys” in states with at least one Democratic senator?

RESPONSE: Art. II, § 2 of the Constitution states that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law.” Art. I, § 5 of the

Constitution states that “[e]ach House may determine the Rules of its Proceedings.” Those provisions speak for themselves. I have not had the opportunity to study or otherwise consider this issue in depth during my career, so I cannot shine any further light on the question.

- f. Do you agree with President Trump that the blue slip tradition is “stupid and outdated” and a “scam”?

RESPONSE: Please see my answer to Question 17(c).

20. One of the Office of Legal Policy’s main responsibilities is to “[a]ssist the President and the Attorney General in filling all Article III and certain Article I judicial vacancies.”

- a. If confirmed, what traits or legal experience would you perceive favorably in a potential nominee?

RESPONSE: The President nominates all Article III judges, and I am certain that each nominee will be given careful consideration concerning their traits and legal experience. Insofar as I have the opportunity to advise the President or the Attorney General on this issue, I would encourage them to seek nominees who understand that the role of a judge is to, in the words of John Marshall, “say what the law is,” rather than what they wish it to be.

- b. What traits or legal experience would you find disqualifying in a potential nominee?

RESPONSE: Please see my answer to Question 20(a).

- c. How, if at all, would perceived loyalty to President Trump and/or his agenda factor into your evaluation of a potential nominee?

RESPONSE: Please see my answer to Question 20(a).

21. You note in your Senate Judiciary Questionnaire that you have served in the Executive Office of the President as Deputy Assistant to the President and Deputy White House Staff Secretary since January 2025. What is the nature of your work and responsibilities in these roles?

RESPONSE: The Staff Secretary is, essentially, the managing editor for the White House. Our job is to ensure that items presented for presidential action are (a) well edited and of sufficient quality to present to the President and (b) have been adequately circulated and considered by his staff and executive branch agencies so that, when presented for the President’s decision, we can say either that the proposed action represents the consensus views of his advisors or that there is a significant difference in opinion for him to resolve. It is an unusual position among presidential appointees in that we are paid *not* to have a policy agenda; if we are not fairly viewed as honest brokers by all sides of a policy debate, the Staff Secretary process will not work.

22. At your Senate Judiciary Committee nomination hearing, Senator Moody asked you if there were “instances . . . of judges exceeding their scope of power that you were faced with when you were working within the Attorney General’s office?” You replied, “the short answer is yes. . . . It was the position of our office, certainly, that the Kansas

Supreme Court had overstepped its proper bounds under the state constitution several times.”

- a. Do you stand by this statement?

RESPONSE: Yes.

- b. In which specific instances do you believe the “Kansas Supreme Court [] overstepped its proper bounds under the state constitution”? Please provide specific case citations to the rulings in which you believe the Kansas Supreme Court overstepped its proper bounds.

RESPONSE: The issue that comes to mind most immediately is the Court’s long-running resistance to the proper execution of the death penalty. Five times in a ten-year period, the Kansas Supreme Court either declared the death penalty unconstitutional or otherwise found a way for a convicted murderer to avoid the death penalty, despite a jury of the accused’s peers determining that death was the appropriate sentence in his case. Yet, in all five cases, the United States Supreme Court overturned the state court—mostly by unanimous or near-unanimous votes. Those cases were *State v. Carr*, 331 P.3d 544 (Kan. 2014) (per curiam), *rev’d* 577 U.S. 108 (2016); *State v. Carr*, 329 P.3d 1195 (Kan. 2014) (per curiam), *rev’d* 577 U.S. 108 (2016); *State v. Gleason*, 329 P.3d 1102 (Kan. 2014) (per curiam), *rev’d sub nom Kansas v. Carr*, 577 U.S. 108 (2016); *State v. Cheever*, 284 P.3d 1007 (Kan. 2012) (per curiam), *rev’d* 571 U.S. 87 (2013); and *State v. Marsh*, 102 P.3d 445 (Kan. 2004), *rev’d* 548 U.S. 163 (2006). Given that track record, it is fair to wonder whether the Kansas Supreme Court’s reasoning in these cases was motivated more by disagreement with the law than an honest assessment of what the Constitution required.

Questions for the Record for Daniel Edward Burrows
Submitted by Senator Richard Blumenthal
December 22, 2025

1. In early 2023, the Kansas Attorney General's office fired a law firm it had hired to conduct an investigation into allegations of natural gas price-fixing during a severe winter storm. You were serving as Chief Deputy Attorney General of Kansas at the time. Kansas Attorney General Kris Kobach argued that the firm's "heavy leanings in the Democrat direction" were not a factor in the termination, but you said publicly that the contract was not terminated for cause and that the goal in hiring a new firm was to "get a relationship . . . that is more satisfactory to the current administration."¹ The work was ultimately awarded to a Republican-affiliated firm. This action was one of at least three instances where your then-office gave no-bid or solo-bid contracts to political allies.²
 - a. If confirmed, will you carry out the role for which you are nominated with respect for the Justice Manual's standards of conduct, including regarding conflicts of interest?

RESPONSE: Yes.

- b. If confirmed, will you commit to consulting and following the recommendations of career ethics officials who will determine whether your recusal is required from any matter where you have a personal, financial, or professional conflict of interest?

RESPONSE: If confirmed, I will consult with ethics officials and follow my ethical obligations.

2. 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. If confirmed, the Office of Legal Policy will comply with congressional oversight to the best of its ability when not otherwise limited by law, privilege, a lawful court order, or agency policy.

¹ Jason Alatidd, *How Kansas AG Kris Kobach's effort to stir competition for gouging lawsuits led to one bid*, TOPEKA CAPITAL-JOURNAL (June 25, 2023), <https://www.cjonline.com/story/news/politics/government/2023/06/25/kansas-gets-1-bid-for-gas-gouging-lawsuits-nebraska-ags-wifes-firm/70339528007/>.

² Jason Alatidd, *Kris Kobach is seeking law firm for secret case. Sole bid came from a firm defending Trump*, TOPEKA CAPITAL-J. (Feb. 9, 2024), <https://www.cjonline.com/story/news/politics/government/2024/02/09/kris-kobach-may-hire-donald-trump-attorney-pharmaceutical-firm-investigation/72455898007/>; Jason Alatidd, *Kris Kobach gave no-bid contract to law firm for 'emergency' of suing TikTok in Kansas*, TOPEKA CAPITAL-J. (Apr. 5, 2024), <https://www.cjonline.com/story/news/politics/government/2024/04/05/kansas-ag-kris-kobach-gave-no-bid-contract-to-law-firm-suing-tiktok/73071420007/>.

3. If confirmed, will you commit to maintaining robust internal controls and oversight mechanisms to prevent misconduct?

RESPONSE: Yes.

- a. If confirmed, will you protect federal employees who report misconduct or raise legitimate concerns about decisions undertaken by your office?

RESPONSE: I intend to follow federal law, including laws such as 5 U.S.C. § 2302 regarding the treatment of whistleblowers. It has also been my practice as a manager to sanction reasonable internal debate over leadership decisions or other policies or practices affecting the office.

4. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

RESPONSE: Yes.

5. The House Republican-authored budget reconciliation bill for Fiscal Year 2026 originally included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or temporary restraining orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool of judicial enforcement.

- a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

RESPONSE: I have not had the opportunity to study or otherwise consider this issue in depth during my career, and I am not sure what Supreme Court case you are quoting, so I cannot provide a reasoned response to this question.

- b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

RESPONSE: Please see my response to Question 5(a).

6. Were you in Washington, D.C. on January 6, 2021?

RESPONSE: No. I was at home in Colorado.

- a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

RESPONSE: No. Please see my previous answer.

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

**Nomination Hearing
Questions for the Record for Daniel Edward Burrows**

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:
 - a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

RESPONSE: No.

- b. **Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

RESPONSE: No.

Nomination of Daniel Burrows
Assistant Attorney General for Office of Legal Policy
Questions for the Record
Submitted December 26, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."¹

- a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

RESPONSE: Yes.

2. Do you believe that involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of Department of Justice (DOJ) personnel?

RESPONSE: DOJ personnel should not face demotion, reassignment, or termination solely based on their involvement in a properly authorized investigation or prosecution. Personnel actions should be based on performance, conduct, and adherence to DOJ policies. Investigative and prosecutorial decisions must be guided by the facts and the law.

3. Do you believe that involvement in investigations or prosecutions of individuals related to the January 6 Capitol attack alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of DOJ personnel?

RESPONSE: Please see my answer to Question 2.

4. Do you believe that political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of DOJ personnel?

¹ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

RESPONSE: No.

5. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

RESPONSE: That is a question for the Committee. I would not presume to tell the United States Senate how to conduct its business.

6. If President Trump directs you to take an illegal action or unethical action, how would you respond?

RESPONSE: This is a far-fetched hypothetical, which I do not believe will occur. If I thought I would be given illegal orders, I would not have accepted the nomination. The Office of Legal Policy will not make or implement illegal or unethical decisions under my leadership. If I were directed to do something that I believed was illegal or unethical, I would raise the issue with the relevant superior. If, after that discussion, I still believed the action to be illegal or unethical and were still ordered to do it, I would resign.

7. If President Trump directs you to dismiss a case without valid grounds to do so, how would you respond?

RESPONSE: The Office of Legal Policy is not ordinarily involved in litigating particular cases. Nonetheless, see my answer to Question 6.

8. If any official in the Department of Justice directs you to take an illegal action or unethical action, how would you respond?

RESPONSE: Please see my answer to Question 6.

9. If any official in the Department of Justice directs you to dismiss a case without valid grounds to do so, how would you respond?

RESPONSE: The Office of Legal Policy is not ordinarily involved in litigating particular cases. Nonetheless, see my answer to Question 6.

10. If any member of the Administration directs you to take an illegal action or unethical action, how would you respond?

RESPONSE: The only officials who would have any authority to direct me to take particular actions would be those in my chain of command. As to those officials, please see my answer to Question 6.

11. If any official of the Administration directs you to dismiss a case without valid grounds to do so, how would you respond?

RESPONSE: Please see my answer to Questions 9 and 10.

12. Will you commit to consulting with career officials at DOJ regarding your potential conflicts of interest?

RESPONSE: If any matter comes before me that might present a conflict of interest, I would consult with Department of Justice ethics officials and follow my ethical obligations.

13. Will you follow the guidance of career officials at DOJ regarding your potential conflicts of interest and recusals?

RESPONSE: Please see my answer to Question 12.

14. 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: Although I do not recall having any conversations with Mr. Musk, it is possible we made small talk at some point while he was employed by the Executive Office of the President. It is unlikely we would have discussed anything substantive.

15. 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: As the Deputy White House Staff Secretary, I have had conversations with senior members of the DOGE team as part of my official duties. I do not recall any conversation in particular, although I can say that most of my contact with that team was through James Burnham, the former General Counsel, and Austin Raynor. I also note that I have known James Burnham for some time and had conversations with him when I was seeking a position in the administration Nov.–Dec. 2024. Those conversations did not involve DOGE in any way.

16. 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: I am not aware of any such conversations or correspondence.

17. 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: I had conversations with several individuals during the transition when I was seeking a position in the Administration. Among those I spoke with was Will Scharf, the current

White House Staff Secretary, and he selected me as his deputy. I started in that position on Inauguration Day, January 20, 2025.

18. Have you ever been demoted, terminated, or experienced any other adverse employment action?

RESPONSE: Yes.

a. If yes, please describe the events that led to the adverse employment action.

RESPONSE: Over 20 years ago, my then-employer and I did not share the same vision for the organization with which I was employed.

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.

19. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

RESPONSE: I have not had the opportunity to study or otherwise consider this issue in depth during my career, so I cannot provide a reasoned response to this question.

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: Please see my previous response.

20. What considerations warrant changing or reversing the legal position of the United States advanced by a previous Administration in litigation?

RESPONSE: It is difficult to answer this question in the abstract. As a general matter, the Department of Justice solicits views from entities within the Executive Branch that have subject matter expertise or a stake in the dispute. The posture of any case, a careful reading of controlling precedents, and other factors would contribute to such a decision.

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: The decision to change the United States' position in litigation necessarily involves numerous facts specific to the case at hand. I am unaware of any mechanical formula that can be applied every time the possibility of a position change arises. Department of Justice policies appropriately promote consistency in civil and criminal litigation while allowing necessary flexibility.

21. Do you believe that the legal judgments of the Department of Justice must be impartial and insulated from political influence? Why or why not?

RESPONSE: The Justice Manual, in § 1-8.600, establishes a careful balance between “the norms of Departmental independence and integrity” and “the President’s ability to perform his constitutional obligation to ‘take care that the laws be faithfully executed,’” and establishes several parameters to maintain that balance. Also, the rules of professional conduct in both of the states in which I am licensed require attorneys to exercise independent professional judgment and render candid advice. I intend to follow both departmental policies and my ethical obligations.

- a. Do you believe that it is appropriate for federal prosecutors to use their criminal enforcement authority to investigate or prosecute individuals for political objectives?

RESPONSE: No

- b. Do you believe investigating or prosecuting individuals for political objectives weaponizes the Department of Justice?

RESPONSE: I am not sure what you mean by “weaponizes,” but nonetheless please see Question 21(a) and my response.

22. Do you believe that it is appropriate for the Department of Justice to publicly announce an investigation before it has commenced or been completed?

RESPONSE: As set forth in §1-7.400 of the Justice Manual, the Department generally does not publicly announce investigations or investigative findings before conclusions are reached.

23. 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: As I understand the Twelfth Amendment, the President is chosen by the Electoral College. When the Electoral College vote was counted in 2021, former President Joseph Biden was certified as the winner and sworn in as the forty-sixth President.

- a. Did Biden win a majority of the electoral vote in the 2020 election?

RESPONSE: Please see my answer 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 answer above.

24. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”²

- 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.

- 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.

25. 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 and Executive Office of the President 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.

² U.S. CONST. amend. XXII.