

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Colin McDonald
Nominee to be Assistant Attorney General for the National Fraud Enforcement Division
March 4, 2026

1. During your hearing, you refused to confirm whether you have served as Co-Chair of the Department of Justice's (DOJ) Weaponization Working Group.

a. Do you currently, or have you ever, served as Co-Chair of the Weaponization Working Group?

RESPONSE: In a memorandum dated February 5, 2025, titled "Restoring the Integrity and Credibility of the Department of Justice," the Attorney General established a Weaponization Working Group to identify instances in the prior administration where a department's conduct appeared to have been designed to achieve political objectives or other improper aims rather than pursuing justice or legitimate governmental objectives. The memorandum commissioned a review of events and matters such as the retaliatory targeting of legitimate whistleblowers, a 2023 memorandum in which the Federal Bureau of Investigation suggested that certain Catholic religious practices were affiliated with violent extremism and criminal activity, and prior DOJ guidance concerning the investigation of parents of school children who expressed sincere, good-faith concerns at local government meetings. The Weaponization Working Group was designed to identify instances of wrongful weaponization, learn from those mistakes, and ensure they are not repeated.

As an Associate Deputy Attorney General, I provide oversight to components within the Department of Justice. In approximately Summer 2025, my supervisory responsibilities were extended to encompass the Weaponization Working Group. I am aware of a news report identifying me as co-chair of the group, but I have not used or been conferred that title.

b. Have you ever served in any other role with the Weaponization Working Group?

RESPONSE: Please see my response to Question 1a.

c. If your answer to (a) or (b) is yes, please state when you joined the Working Group.

RESPONSE: Please see my response to Question 1a.

d. If confirmed, do you intend to continue serving as a member of the Working Group?

RESPONSE: If confirmed as Assistant Attorney General for the National Fraud Enforcement Division, my oversight responsibilities as an Associate Deputy Attorney General, including with respect to the Weaponization Working Group, will conclude.

2. In May 2025, Ed Martin was named Director of the Weaponization Working Group. Mr. Martin has a long track record of January 6 denial, sympathy for cop beaters, and praise for anti-Semites. You admitted during your hearing that you are “involved in the work of the Weaponization Working Group.”

- a. **Do you share Mr. Martin’s views that January 6 defendants who assaulted law enforcement officers were “patriots” and “politically persecuted”?**

RESPONSE: As a career federal prosecutor, I have worked closely with law enforcement officers for over a decade and have prosecuted those who have assaulted law enforcement officers.

- b. **Do you condemn anyone who believes those who assault law enforcement officers are patriots?**

RESPONSE: Please see my response to Question 2a.

Mr. Martin previously claimed that he would use his authority with the Weaponization Working Group to discredit and “shame” individuals he is unable to prosecute. He stated, “If they can be charged, we’ll charge them. But if they can’t be charged, we will name them. And we will name them, and in a culture that respects shame, they should be people that are ashamed.”

- c. **Do you agree with Mr. Martin’s view that the federal government should “name” and “shame” individuals who have not been charged with crimes? Did you join him in engaging in such conduct as an employee of the Weaponization Working Group?**

RESPONSE: I am not an employee of any Weaponization Working Group. Throughout my career at the Department of Justice, I have followed the Justice Manual and the Principles of Federal Prosecution.

- d. **Did you ever engage in such conduct as a federal prosecutor?**

RESPONSE: Please see my response to Question 2c.

Mr. Martin’s publicly stated intention to “name” and “shame” uncharged individuals directly conflicts with DOJ’s Justice Manual, which provides:

DOJ personnel should presume that non-public, sensitive information obtained in connection with work is protected from disclosure, except as

needed to fulfill official duties of DOJ personnel, and as allowed by court order, statutory or regulatory prescription, or case law and rules governing criminal and civil discovery. Other than as necessary to fulfill DOJ official duties, disclosure of such information to anyone, including to family members, friends, or even colleagues, is prohibited and could lead to disciplinary action. (Justice Manual § 1-7.100)

- e. **If confirmed as head of the National Fraud Enforcement Division (NFED), do you plan to “name” and “shame” individuals who have not been charged with crimes?**

RESPONSE: If confirmed, I will follow the Justice Manual and the Principles of Federal Prosecution, as I have done throughout my career at the Department.

- f. **What are the dangers for the criminal justice system if prosecutors name individuals who they investigated but ultimately did not indict?**

RESPONSE: This is a hypothetical that I do not expect to encounter if confirmed as the Assistant Attorney General of the National Fraud Enforcement Division. I will follow the Justice Manual and the Principles of Federal Prosecution, as I have done throughout my career at the Department.

According to public reporting, Mr. Martin was recently removed from his position with the Weaponization Working Group because he improperly handled grand jury materials in an ongoing investigation. When asked about this at your hearing, you did not dispute the reports that Mr. Martin mishandled grand jury materials.

- g. **When were you made aware of Mr. Martin’s improper handling of grand jury materials in an ongoing investigation?**

RESPONSE: I do not know whether Mr. Martin improperly handled grand jury material under Federal Rule of Criminal Procedure 6(e).

- h. **How did you learn about these allegations?**

RESPONSE: Please see my response to Question 2g.

3. During your hearing, I also asked you about Jared Wise, another one of your colleagues in the Weaponization Working Group. Mr. Wise stormed the Capitol on January 6 and was charged with multiple felony offenses, including assaulting law enforcement officers. Body camera footage from the Metropolitan Police Department shows Mr. Wise telling police officers, “You guys are disgusting... You are the Nazi. You are the Gestapo.” He further egged on a violent mob that was already attacking officers, yelling, “Yeah, f*** them! Yeah, kill ‘em!” Like his 1,500 fellow insurrectionists, Mr. Wise received a blanket pardon from President Trump. Last year, Mr. Wise was hired as a senior advisor

to the Weaponization Working Group. He apparently remains a Justice Department employee to this day.

- a. During your hearing, you denied being involved in hiring decisions at the Department of Justice. At any point, did you object to the hiring of Mr. Wise?**

RESPONSE: I do not make hiring decisions at the Department of Justice, and it would not be appropriate for me to comment on personnel matters within the Department.

- b. Given what you know about Mr. Wise's record, do you object to his continued employment at the Justice Department?**

RESPONSE: Please see my response to Question 3a.

- c. How many other January 6 defendants are employed at the Justice Department? How many work on the Weaponization Working Group?**

RESPONSE: Please see my response to Question 3a.

- d. How many more individuals who have been indicted for assaulting law enforcement officers are employed at the Justice Department? How many work on the Weaponization Working Group?**

RESPONSE: Please see my response to Question 3a.

- e. Do you believe individuals who have encouraged the murder of law enforcement officers belong in the employ of the Justice Department?**

RESPONSE: Please see my response to Question 3a.

- f. Do you believe that Mr. Wise should have been hired by the Justice Department, given his history of encouraging violence against law enforcement?**

RESPONSE: Please see my response to Question 3a.

- g. If you learned that a prospective NFED employee had previously encouraged others to kill a law enforcement officer, would you hire them?**

RESPONSE: This is a hypothetical that I do not expect to encounter if confirmed as the Assistant Attorney General of the NFED.

- h. Would it ever be appropriate for an individual who encouraged others to kill law enforcement officers to serve in a federal law enforcement agency?**

RESPONSE: Please see my response to Question 3a.

4. Basic questions about how the NFED will be run have not been answered. Prior to your hearing, I sent a letter to Attorney General Bondi asking for clarification on the staffing, reporting structure, and enforcement responsibilities of the NFED. She has not responded. At a January 8 news conference, Vice President Vance claimed that the National Fraud Enforcement Division would be “run out of the White House” rather than the Justice Department. In contrast, an organizational chart provided to the House Appropriations Committee stated that the Assistant Attorney General for the NFED will report directly to Deputy Attorney General Todd Blanche.

a. If confirmed, to whom will you report?

RESPONSE: As described in the Department of Justice’s Organization Chart, if confirmed, I would report to the Deputy Attorney General.

Yet another report stated that the NFED will be part of a new task force chaired by Vice President Vance and co-chaired by Federal Trade Commission (FTC) Chair Andrew Ferguson.

b. If you are confirmed, will Vice President Vance, FTC Chair Ferguson, or any individual outside of the Justice Department have any oversight or jurisdiction over your work?

RESPONSE: Please see my response to Question 4a.

c. Will the NFED be limited to prosecuting fraud in federal government spending programs? If not, will it police tax fraud, securities fraud, fraudulent business practices, and scams that target the elderly and consumers?

RESPONSE: The primary focus of the National Fraud Enforcement Division will be investigating and prosecuting fraud perpetrated against taxpayer-funded programs. The Division will collaborate with other components within the Department, including the Criminal Division and U.S. Attorneys’ Offices, to address other types of fraud.

d. Will you commit that you and NFED staff will adhere to the Justice Manual, including the various sections requiring prior approval before opening politically sensitive investigations or taking particular investigative steps?

RESPONSE: As an employee of the Department of Justice, I follow the Justice Manual and will continue to do so if confirmed as AAG of the National Fraud Enforcement Division.

5. As you are undoubtedly aware, there are already existing Fraud Sections within the Justice Department’s Criminal Division and Civil Division. Earlier this year, Criminal Division Assistant Attorney General Tysen Duva stated that the NFED would be established in addition to both of these existing Fraud Sections. However, days later, in a letter to the House Appropriations Committee, the Justice Department claimed that the NFED would be provided with “personnel and funding from within the Department’s existing resources.”

- a. **How many attorneys will be assigned to NFED, and from which DOJ offices or sections will they be reassigned?**

RESPONSE: The National Fraud Enforcement Division is committed to working with components across the Department and employing those best-suited to address fraud against taxpayer-funded programs.

- b. **Given that funding was reduced in fiscal year 2026 for DOJ’s General Legal Activities salaries and expenses account, what existing resources will the Department use to fund NFED?**

RESPONSE: The Department has sufficient resources to fund the operations of the National Fraud Enforcement Division.

- c. **Will the existing Fraud Sections be disbanded or merged into NFED? If not, what will be the relationship and division of enforcement responsibilities among these entities?**

RESPONSE: The National Fraud Enforcement Division will work both independently and collaboratively with the existing Fraud Sections within the Department.

6. In recent weeks, President Trump and other Administration officials have fixated on cases of childcare and welfare fraud in Minnesota. On January 6, the Department of Health and Human Services (HHS) issued a blanket freeze for all federal funding for three childcare and family assistance programs to California, Colorado, Illinois, Minnesota, and New York. All five states are led by Democrats, and none voted for President Trump in the 2024 election. By contrast, last year the Administration rescinded a \$101 million penalty issued by HHS for widespread fraud in federally funded welfare programs in Mississippi—a state led by Republicans and which voted for President Trump in the 2024 presidential election.

Will you commit to investigating credible allegations of fraud in states which voted for President Trump in the 2024 election?

RESPONSE: The National Fraud Enforcement Division will be committed to investigating, and coordinating with other Department divisions to investigate,

credible allegations of fraud against taxpayer-funded programs wherever they occur.

7. Last April, Deputy Attorney General Blanche announced that DOJ had disbanded the National Cryptocurrency Enforcement Team. That group had been tasked with investigating and prosecuting crypto-related crimes, including tax evasion and money laundering that facilitated terrorism and drug trafficking. At the time, Mr. Blanche owned at least \$150,000 worth of cryptocurrency, even though he had previously signed an ethics agreement promising to sell all of his crypto investments.

- a. **What was your involvement in the decision to disband the National Cryptocurrency Enforcement Team?**

RESPONSE: I was not involved in the Department's decision to disband the National Cryptocurrency Enforcement Team.

- b. **If confirmed, will you commit to cracking down on cryptocurrency fraud to ensure that it does not fuel corruption or give government officials—including your bosses at the Justice Department—an easy way to enrich themselves?**

RESPONSE: The primary focus of the National Fraud Enforcement Division will be investigating and prosecuting fraud perpetrated against taxpayer-funded programs. The Division will work with other components within the Department, including the Criminal Division and U.S. Attorneys' Offices, to address other types of fraud. The Department continues to prosecute criminal actors in the digital asset space, and prosecutors have been directed to prioritize cases that hold accountable individuals who (a) cause financial harm to digital asset investors and consumers; and/or (b) use digital assets in furtherance of other criminal conduct, such as fentanyl trafficking, terrorism, cartels, organized crime, and human trafficking and smuggling.

8. According to your Questionnaire, you served as Senior Counsel to the Deputy Attorney General from January 2025 to April 2025. From January 2025 to March 2025, the Acting Deputy Attorney General was now-Third Circuit Judge Emil Bove.

- a. **Please describe your involvement, if any, with Mr. Bove's decision to disregard a federal court order to halt deportation flights to El Salvador's CECOT prison.**

RESPONSE: This question misrepresents facts the Department of Justice has addressed in other forums, including in currently pending litigation. In any event, I was not involved in the provision of legal advice regarding the scope of the order described.

- b. Please describe your involvement, if any, in Mr. Bove’s decision to terminate dozens of career prosecutors who had worked on cases related to the January 6, 2021, attack on the Capitol.**

RESPONSE: It is my understanding that some probationary employees were terminated for reasons outlined in a publicly available memorandum from January 2025. I was not involved in that decision.

- 9. Officials within the Trump Administration, including then-Acting Deputy Attorney General Emil Bove and then-Interim U.S. Attorney Ed Martin, fired Assistant U.S. Attorneys who had been assigned to investigate and prosecute cases against defendants accused of committing crimes arising out of the January 6 attack on the Capitol.**

- a. Do you believe that apolitical, career civil servants should be terminated simply because they were assigned to work on certain matters?**

RESPONSE: No.

- b. The U.S. Attorney’s Office for the Southern District of California handled several cases against January 6 rioters. Did you manage, advise, or supervise any such prosecutions or investigations?**

RESPONSE: No.

- 10. Did President Trump lose the 2020 election?**

RESPONSE: Former President Joseph Biden was certified by the U.S. Senate as the winner of the 2020 presidential election.

- 11. Does the U.S. Constitution permit a president to serve three terms?**

RESPONSE: The 22nd Amendment speaks for itself.

- 12. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?**

RESPONSE: I believe that our Constitution gives every President the power to pardon any individual for offenses against the United States.

- 13. Would you resign if the President asks you to do something which is inconsistent with your oath to uphold and defend the Constitution?**

RESPONSE: This question poses a hypothetical that I do not expect to occur. I will always uphold my oath to support and defend the Constitution and follow the law.

14. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders. If confirmed, you will hold a key law enforcement position and you have a duty to uphold the Constitution and follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

RESPONSE: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, 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: 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. I will always advise a client to comply with court orders applicable to them.

15. 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: To the best of my knowledge, no.

b. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

RESPONSE: No.

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

RESPONSE: No.

16. 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: To the best of my knowledge, no.

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

RESPONSE: No.

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

RESPONSE: No.

17. 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: To the best of my knowledge, no.

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

RESPONSE: No.

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

RESPONSE: No.

- d. **Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

RESPONSE: No.

18. 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: To the best of my knowledge, no.

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

RESPONSE: No.

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

RESPONSE: No.

19. 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: To the best of my knowledge, no. After my selection, I received congratulatory messages from many people, including Gene Hamilton.

- b. **Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

RESPONSE: No.

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

RESPONSE: No.

20. 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: To the best of my knowledge, no.

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

RESPONSE: No.

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

RESPONSE: No.

21. 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: To the best of my knowledge, no.

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

RESPONSE: No.

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

RESPONSE: No.

Senator Thom Tillis
Questions for the Record
Senate Judiciary Committee Hearing
for the Nomination of the
Colin McDonald to be
Assistant Attorney General of the United States

1. To the best of your knowledge, please describe how this new Assistant Attorney General position (“the AAG for Fraud”) will fit into the chain of command at the Department of Justice (DOJ)? Will the new AAG for Fraud report to anyone outside of DOJ? Will the new AAG for Fraud be substantially different than any other AAG in terms of where they fit into the DOJ and government-wide chain of command?

RESPONSE: The National Fraud Enforcement Division’s Assistant Attorney General will report directly to the Deputy Attorney General. This is the same reporting structure as other similarly situated components within the Department.

2. Staged accidents are not victimless crimes; they are calculated, violent assaults on our nation’s law-abiding drivers and they are fraud. We are seeing an alarming rise in staged crashes targeting commercial vehicles like rideshare and truckers. Will you commit to making these fraud rings a priority for the DOJ task force?

RESPONSE: The primary focus of the National Fraud Enforcement Division will be investigating and prosecuting fraud perpetrated against taxpayer-funded programs. I commit to working with other components within the Department, including the Criminal Division and U.S. Attorneys’ Offices, to address staged automobile collision schemes.

**Nomination of Colin McDonald to be
Assistant Attorney General for the National Fraud Enforcement Division
Questions for the Record
Submitted March 4, 2026**

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 National Fraud Enforcement Division, 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.

4. Has anyone involved in the process of selecting you for this role—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—asked you to make any representations or commitments as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.

RESPONSE: No.

5. Did you make any representations to *any* individuals—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you might handle a particular case, investigation, or matter, if confirmed in this role? If so, explain fully.

RESPONSE: No.

6. 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.

7. 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 is an extraordinarily unlikely hypothetical, which I do not believe will occur. If I thought I would be given illegal or unethical orders, I would not have accepted the nomination. The National Fraud Enforcement Division will not make or implement illegal or unethical decisions under my leadership. Cases will be pursued based on the facts, the law, the Justice Manual, and the Principles of Federal Prosecution.

- 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 to Question 7.

8. 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 7.

- b. 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 to Question 7.

9. 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: The National Fraud Enforcement Division will represent the United States in litigation. 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. What does it mean to serve at the will and pleasure of the President?

RESPONSE: Please see my response to Question 9a.

- c. Is serving at the will and pleasure of the President the same thing as being one of the President's lawyers?

RESPONSE: Please see my response to Question 9a.

- d. Would you consider yourself President Trump's lawyer, if confirmed?

RESPONSE: Please see my response to Question 9a.

- e. Who does the National Fraud Enforcement Division work for?

RESPONSE: The National Fraud Enforcement Division works for the United States and the American people.

10. On January 8, 2026, Vice President Vance said that the National Fraud Enforcement Division would be "run out of the White House."

- a. Is it your understanding that the National Fraud Enforcement Division will be "run out of the White House"?

RESPONSE: As described in the Department of Justice's Organization Chart, if confirmed as Assistant Attorney General of the National Fraud Enforcement Division, I would report to the Deputy Attorney General.

11. Vice President Vance also said on January 8, 2026, that the Assistant Attorney General overseeing the National Fraud Enforcement Division would report directly to President Trump and Vice President Vance.

- a. Is it your understanding that you report directly to President Trump and Vice President Vance?

RESPONSE: Please see my response to Question 10a.

- b. Have you asked Vice President Vance what he meant by this statement? If not, why not?

RESPONSE: No. Please see my answer to Question 10a.

- c. Do you also report to Attorney General Bondi or Deputy Attorney General Blanche?

RESPONSE: Please see my answer to Question 10a.

- d. If Vice President Vance and Deputy Attorney General Blanche give you conflicting directives, which directive are you obligated to follow?

RESPONSE: Please see my answer to Question 10a.

12. 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 National Fraud Enforcement Division to refuse to follow a directive of the President? Please include references to any specifically applicable provisions in your answer.

RESPONSE: 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 7.

13. I assume you believe that the President is bound by the terms of his oath, the Constitution, and applicable law. Does the President, under the terms of his oath, the Constitution, and applicable law, have the authority to order the FBI to initiate an investigation into a specific individual? Please explain and include references to any specifically applicable provisions in your answer.

RESPONSE: The question poses a hypothetical, which I do not believe will occur. If confirmed as Assistant Attorney General for the National Fraud Enforcement Division, I will always follow the law and uphold my oath to support and defend the Constitution. Cases will be pursued based on the facts, the law, the Justice Manual, and the Principles of Federal Prosecution.

14. 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 National Fraud Enforcement Division 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 response to Questions 7 and 12.

15. Do you think the *qui tam* provision of the *False Claims Act* is constitutional?

RESPONSE: The *False Claims Act* is an important part of the Department's efforts to combat fraud. For example, under the FCA, the Civil Division recovered a record \$6.8 billion in FY25. The Department is currently involved in litigation regarding the constitutionality of the FCA's *qui tam* provision. Accordingly, based on section 1-7.400 of the Justice Manual, I am unable to comment further.

16. In September 2024, Judge Kathryn Mizelle of the U.S. District Court for the Middle District of Florida ruled that the *qui tam* provision of the *False Claims Act* was unconstitutional.

a. Do you agree with Judge Mizelle's ruling?

RESPONSE: Please see my response to Question 15.

b. Are you involved in the Trump administration's efforts to convince the U.S. Court of Appeals for the Eleventh Circuit to reverse Judge Mizelle's determination on the constitutionality of the *qui tam* provision?

RESPONSE: Please see my response to Question 15.

c. If the *False Claims Act's qui tam* provision is invalidated, would that make it easier or harder to combat fraud in government services and contracting?

RESPONSE: Please see my response to Question 15.

d. Do you think Congress should consider legislation revising the *qui tam* provision of the *False Claims Act*? If so, what revisions would you suggest?

RESPONSE: Please see my response to Question 15.

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

RESPONSE: I have never had occasion to consider this issue as a career federal prosecutor and have no reason to believe I would need to consider this issue if confirmed as AAG for the National Fraud Enforcement Division.

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 National Fraud Enforcement Division 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 on the specific facts of the particular situation.

18. 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.

19. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

RESPONSE: I will always advise a client to comply with court orders.

- a. What are the remedies available to a litigant who is dissatisfied with a court order?

RESPONSE: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order pending appeal.

- b. Would you ever advise a client to disregard a court order?

RESPONSE: No.

- c. If President Trump instructed you to disobey an order from a federal judge, how would you respond?

RESPONSE: The question poses a hypothetical, which I do not believe will occur. If confirmed, I will always follow the law and uphold my oath to support and defend the Constitution.

- d. If Attorney General Bondi or another superior at DOJ instructed you to disobey an order from a federal judge, how would you respond?

RESPONSE: Please see my response to 19c.

20. I assume that if you are confirmed, you will ensure that any law enforcement activities carried out by your office will only be undertaken where there is a proper basis under the facts and law. How would this commitment inform the actions you take in response 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? Explain.

RESPONSE: If confirmed, I will ensure any law enforcement activities by the National Fraud Enforcement Division are only undertaken where there is a proper basis to do so under the facts and law.

- a. How would you respond to the President calling on the Department via social media, a press conference, or other means, to investigate, sue, and/or prosecute an individual or corporation where that action was not justified by the facts and the law?

RESPONSE: Please see my response to Question 20.

- b. How would you respond to the President calling on the Department via social media, a press conference, or other means, to drop a case or investigation where that action was not justified by the facts and the law?

RESPONSE: Please see my response to Question 20.

21. Can the Department of Justice bring criminal charges to serve political purposes?

RESPONSE: The Department of Justice's legal judgments must be impartial and free from political influence to uphold the rule of law and maintain public trust. Under the Principles of Federal Prosecution (Justice Manual §9-27.000), Department officials should make these decisions free of bias or political influence.

- a. How should an Assistant Attorney General determine if criminal charges are being brought to serve political purposes?

RESPONSE: Please see my response to Question 21.

- b. If you determined that criminal charges were being brought to serve political purposes, what would you do next?

RESPONSE: This is a hypothetical that I do not expect to occur. Also, please see my response to Question 21.

22. If confirmed, what principles will you follow when determining how to exercise prosecutorial discretion?

RESPONSE: If confirmed, I would follow the Principles of Federal Prosecution (Justice Manual § 9-27.000).

23. If confirmed, what procedures would you put in place to avoid politicization of the National Fraud Enforcement Division and ensure consultation with career attorneys?

RESPONSE: If confirmed, I would follow the Principles of Federal Prosecution (Justice Manual § 9-27.000) and consult my ethical obligations in determining what procedures to put in place.

24. The DOJ has long played a role in advising the President in his use of the clemency power and recommending cases for pardons to him.

- a. Do you think it would be appropriate for the DOJ to recommend clemency for an individual based on who the individual supported or contributed to in a political election?

RESPONSE: Article II, Section 2, Clause 1 of the U.S. Constitution grants the President power to grant pardons and reprieves for offenses against the United States. Clemency is a core Article II power

- b. If confirmed, do you commit to not basing any clemency recommendations that you might be a part of on political considerations?

RESPONSE: Please see my response to Question 24a.

25. What is your general approach to deciding how to focus prosecutorial resources?

RESPONSE: The National Fraud Enforcement Division will focus prosecutorial resources consistent to align with Department priorities in an efficient and effective manner, including evaluating the available resources, as well as its needs, in consultation with Department leadership.

- a. If you think the allocation of resources should be driven by Department priorities, what do you understand those priorities to be?

RESPONSE: The primary priorities and focus of the National Fraud Enforcement Division will be investigating and prosecuting fraud perpetrated against taxpayer-funded programs.

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

RESPONSE: The Honorable Michael M. Anello, for whom I clerked.

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

United States v. Kealoha, et al., CR No. 17-00582-JMS (D. Haw.).

28. Please explain what relationship, if any, the National Fraud Enforcement Division will have with the White House's planned anti-fraud taskforce to be led by Vice President Vance and Federal Trade Commission Chair Andrew Ferguson.

- a. Will the National Fraud Enforcement Division make its own decisions about which matters to pursue or not pursue, without influence from this taskforce or the White House writ large?

RESPONSE: If confirmed, the National Fraud Enforcement Division will make decisions based on the facts, applicable law, and evidence and ensure law enforcement activities are only undertaken where there is a proper basis under the facts and law.

29. DOJ has 11 statutorily created Assistant Attorneys General. In a January 16 letter, Assistant Attorney General for Administration Jolene Ann Lauria wrote that you will take the slot of the Assistant Attorney General for the Tax Division, which DOJ dissolved in November 2025. But your nomination paperwork states that you are replacing the previous Assistant Attorney General for the Environment and Natural Resources Division. Which Assistant Attorney General are you replacing?

RESPONSE: The statute permits 11 Assistant Attorneys General in the Department of Justice. Currently, there are fewer than 11 Assistant Attorneys General; the reorganization of the Department has not sought to exceed having 11 Assistant Attorneys General.

30. President Trump has made numerous disparaging remarks about Somali Americans. He has said they "contribute nothing," they are "garbage," "they've destroyed our country," and he does not "want them in our country." At the World Economic Forum in Davos, he said, "Can you believe that? Somalia—they turned out to be higher-IQ than we thought. I always say these are low-IQ people. How do they go into Minnesota and steal all that money?" Do you agree with these comments by President Trump?

RESPONSE: Fraud against taxpayer-funded programs is a significant issue facing the country. Moreover, while I am not familiar with the statements quoted in this question, generally speaking, I support the right of all individuals to free speech.

31. The Trump administration has launched criminal probes related to fraud against several individuals it perceives as its political enemies.

- a. Do you agree with DOJ's efforts to prosecute New York Attorney General Letitia James?

RESPONSE: Because this matter is subject to pending litigation, I respectfully decline to comment.

- b. Do you agree with DOJ's criminal investigation into Federal Reserve Governor Lisa Cook?

RESPONSE: Per section 1-7.400 of the *Justice Manual*, the Department does not confirm or deny the existence of criminal investigations.

- c. Do you agree with DOJ's criminal investigation into Senator Adam Schiff?

RESPONSE: Please see my response to Question 31b.

32. Inspectors general are statutorily obligated to prevent and detect waste, fraud, and abuse at their agencies. In 2022, Congress passed a law saying that, at least 30 days before removing an inspector general, the President must provide Congress with a "substantive rationale, including detailed and case-specific reasons." But President Trump fired 19 inspectors general within his first month back in office, with no notice to Congress and no justification for his decisions.

- a. Given that President Trump had been in office for less than 30 days at the time of these firings, do you think President Trump's decision to fire these inspectors general broke the law?

RESPONSE: The President is committed to fighting fraud and employing the best individuals to address the issue of fraud against taxpayer-funded programs.

- b. Does unlawfully firing inspectors general without a substantive rationale indicate a commitment to fighting fraud in federal agencies?

RESPONSE: The President and the Attorney General have shown a commitment to fighting taxpayer-funded fraud by creating the National Fraud Enforcement Division. Additionally, the Department recently announced a record recovery of \$6.8 billion under the *False Claims Act*, among other significant accomplishments in FY25.

- c. Will you commit to working with inspectors general to fight potential fraud at their agencies?

RESPONSE: Yes.

33. Fighting fraud is a priority for Delaware and states across the country. In the Delaware Attorney General's office, the Fraud and Consumer Protection Division works hard every day to protect Delaware's taxpayers.

- a. Will the National Fraud Enforcement Division work alongside and provide assistance to state prosecutors fighting potential fraud in their states?

RESPONSE: The National Fraud Enforcement Division looks forward to working throughout the country in providing assistance to prosecutors fighting fraud.

- b. In what ways will you partner with state and local prosecutors to root out fraud?

RESPONSE: The Department of Justice has longstanding partnerships with state and local prosecutors. The National Fraud Enforcement Division will continue to cultivate those relationships to achieve the best results for the American people.

Questions for the Record for Colin McDonald
Submitted by Senator Richard Blumenthal
March 4, 2026

1. If confirmed, will you commit to making investigatory and prosecutorial decisions based solely on the facts, the law, and the interests of justice, without regard to undue influence from White House officials?

RESPONSE: Yes. The National Fraud Enforcement Division’s investigatory and prosecutorial decisions will be based on the facts, the applicable law and policies, and the Principles of Federal Prosecution.

- a. If confirmed, will you commit to limiting communications with White House officials to only those communications regarding ongoing investigations and prosecutions that warrant White House involvement or knowledge sharing, and do not pose conflicts of interest?

RESPONSE: I will ensure that any communications with White House officials are consistent with Department policies governing contacts between the Department of Justice and the White House.

- b. If confirmed, will you commit to reporting, to the appropriate ethics officer, any attempts by political officials to influence investigatory and prosecutorial decisions of which you are a part?

RESPONSE: I will comply fully with the Department’s ethics and reporting requirements.

- c. If confirmed, will you allocate investigatory and prosecutorial resources based on public safety priorities and the severity of crimes rather than political considerations?

RESPONSE: If confirmed, the National Fraud Enforcement Division’s investigatory and prosecutorial decisions will be based on the facts, the applicable law and policies, and the Principles of Federal Prosecution.

2. If confirmed, will you commit to making investigatory and prosecutorial decisions without being influenced by the impermissible considerations described in Section 9-27.260 of the Justice Manual?

RESPONSE: If confirmed, the National Fraud Enforcement Division’s investigatory and prosecutorial decisions will be based on the facts, the applicable law and policies, and the Principles of Federal Prosecution.

- a. Specifically, if confirmed, will you commit to making investigatory and prosecutorial decisions without being influenced by an individual's political association, activities, or beliefs?

RESPONSE: Please see my response to Question 2.

- b. If confirmed, will you commit to reporting, to the appropriate ethics officer, any investigatory and prosecutorial decisions that you are aware were made under the influence of impermissible considerations?

RESPONSE: Please see my response to Question 2.

3. If confirmed, will you commit to consulting and following the recommendation of career ethics officials to determine whether your recusal is required from any investigation or prosecution where you have a personal, financial, or professional conflict of interest?

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

- a. If confirmed, will you commit to avoiding participation in political activities that could compromise the appearance of prosecutorial neutrality?

RESPONSE: I will fully comply with all Department and federal regulations governing political activity by Department employees.

- b. If confirmed, will you commit to consulting and following the recommendation of career ethics officials to determine whether your recusal is required in matters involving former clients, former employers, or organizations with which you have had significant professional relationships?

RESPONSE: Please see my response to Question 3.

- c. If confirmed, will you commit to consulting and following the recommendation of career ethics officials to determine whether your recusal is required in matters involving family members, personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

RESPONSE: Please see my response to Question 3.

- d. If confirmed, will you commit consulting and following the recommendation of career ethics officials to determine whether your recusal is required in matters involving individuals, organizations, or entities to which you or your family members have made contributions or provided political support?

RESPONSE: Please see my response to Question 3.

4. If confirmed, will you commit to ensuring “that the laws be faithfully executed[?]”

RESPONSE: Yes. I will always uphold my oath to support and defend the Constitution and follow the law.

- a. If confirmed, will you commit to ensuring that investigatory and prosecutorial decisions are made without regard to the race, ethnicity, religion, gender, sexual orientation, political affiliation, or socioeconomic status of defendants or victims?

RESPONSE: Yes. Under my leadership, the National Fraud Enforcement Division’s investigatory and prosecutorial decisions will be based on the facts, the applicable law and policies, and the Principles of Federal Prosecution.

- b. If confirmed, will you commit to holding corporations and their executives accountable for criminal conduct without regard to their political connections or economic influence?

RESPONSE: The National Fraud Enforcement Division will primarily be focused on investigating and prosecuting fraud perpetrated against taxpayer-funded programs. The Division’s investigatory and prosecutorial decisions will be based on the facts, the applicable law and policies, and the Principles of Federal Prosecution.

- c. If confirmed, will you prioritize the prosecution of civil rights violations and hate crimes as important federal law enforcement priorities?

RESPONSE: The National Fraud Enforcement Division will be primarily focused on investigating and prosecuting fraud perpetrated against taxpayer-funded programs. The Division will coordinate and collaborate with other divisions of the Department, including the Civil Rights Division, as needed.

5. Are you aware that Assistant Attorneys General are bound by the policies set forth in the Department of Justice’s (DOJ’s) Justice Manual?

RESPONSE: Yes.

- a. If confirmed, will you commit to ensuring that you and your Division fully comply with *Brady* disclosure requirements and provide defendants with all exculpatory evidence?

RESPONSE: If confirmed, the National Fraud Enforcement Division will comply with *Brady* disclosure requirements.

- b. If confirmed, will you ensure that high-profile defendants receive the same prosecutorial treatment as other defendants charged with similar crimes?

RESPONSE: If confirmed, the National Fraud Enforcement Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, and the Principles of Federal Prosecution.

- c. If confirmed, will you ensure that plea agreements are fair, proportionate, and serve the interests of justice?

RESPONSE: If confirmed, the National Fraud Enforcement Division's decisions on plea agreements will be based on the facts, applicable law and policies, the Principles of Federal Prosecution, and the Justice Manual's provisions regarding plea agreements.

- d. If confirmed, will you commit to making sentencing recommendations based on established DOJ policies and the individual circumstances of each case?

RESPONSE: If confirmed, the National Fraud Enforcement Division's sentencing positions will be based on the facts, applicable law and policies, the Principles of Federal Prosecution, and the Justice Manual's provisions regarding sentencing.

- e. If confirmed, will you make decisions about appeals based on legal merits rather than political considerations?

RESPONSE: If confirmed, the National Fraud Enforcement Division's decisions on appeals will be based on the facts, the applicable law and policies, the Principles of Federal Prosecution, and the Justice Manual's provisions on appeals.

- 6. If confirmed, will you commit to ensuring that public statements about ongoing investigations comply with DOJ policies and do not prejudice pending cases?

RESPONSE: Yes.

- 7. If confirmed, will you cooperate fully with congressional oversight, including but not limited to requests for documents and data and participation in hearings?

RESPONSE: If confirmed, the National Fraud Enforcement Division will comply with congressional oversight to the best of its ability when it is not otherwise limited by law, a court order, or the Justice Manual.

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

RESPONSE: Yes. Under my leadership, the National Fraud Enforcement Division's investigative and prosecutorial decisions will be based on the facts, the applicable law and policies, the Principles of Federal Prosecution, and the Justice Manual.

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

RESPONSE: If confirmed, as with all matters at the Department, personnel actions must be based on performance, conduct, and adherence to DOJ policies. Investigative and prosecutorial decisions must be guided by the facts and the law.

9. If confirmed, will you commit unequivocally to ensuring that you and your Division will fully comply with all lawful court orders, including orders requiring the production of documents, testimony of witnesses, or other forms of cooperation with judicial proceedings?

RESPONSE: If confirmed, the National Fraud Enforcement Division will uphold the rule of law by ensuring compliance with all lawful court orders and by providing legal counsel to facilitate such compliance.

- a. If confirmed, will you personally ensure that any court orders directed to your Division are promptly reviewed by appropriate legal staff and that compliance deadlines are met without requiring judicial intervention or contempt?

RESPONSE: Please see my response to Question 9.

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

RESPONSE: No.

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

RESPONSE: No.

11. Do you support law enforcement?

RESPONSE: Yes. As a career federal prosecutor, I have worked closely with law enforcement officers for over a decade and have prosecuted those who have assaulted law enforcement officers.

- a. Many of those pardoned by President Trump for their roles in the January 6, 2021 attack on the Capitol engaged in assaults on law enforcement. Do you support President Trump's pardon of Daniel Ball, who threw an explosive device into a tunnel filled with law enforcement officers?

RESPONSE: I believe that our Constitution gives every President the power to pardon any individual for offenses against the United States.

- b. Do you support President Trump’s pardon of Jacob Lang, who was filmed hitting law enforcement officers with a baseball bat and riot shield?

RESPONSE: Please see my response to Question 11a.

- c. Do you support President Trump’s pardon of Jeffrey McKellop, who stabbed a police officer in the face with a flagpole?

RESPONSE: Please see my response to Question 11a.

- d. Do you support President Trump’s pardon of Daniel “D.J.” Rodriguez, who plunged a stun gun into the neck of Metropolitan Police Officer Michael Fanone and repeatedly shocked him?

RESPONSE: Please see my response to Question 11a.

- 12. In 2022, Jacob Deutsch pled guilty in a nearly \$50 million mortgage fraud scheme in Hartford. He falsified documents, misleading financial institutions, Fannie Mae, Freddie Mac, and the Department of Housing and Urban Development. He was sentenced in 2024 to over five years of prison. Do you support President Trump’s pardon of Jacob Deutsch?

RESPONSE: Please see my response to Question 11a.

- 13. In July 2025, the Department of Justice secured an indictment against Timothy Leiweke, alleging that he had conspired to rig the bidding for construction of a new arena for the University of Texas at Austin. Leiweke’s actions allegedly ensured that his company was the sole qualified bidder for the contract. Do you support President Trump’s pardon of Timothy Leiweke?

RESPONSE: Please see my response to Question 11a.

- 14. David Gentile was convicted of conspiring to defraud investors of approximately \$1.6 billion. His victims included thousands of investors, many of whom were retirees. Under his conviction, he was required to pay \$15.5 million in restitution and was sentenced to seven years in prison. Do you support President Trump’s pardon of David Gentile?

RESPONSE: Please see my response to Question 11a.

- 15. In 2018, you prosecuted a Border Patrol supervisor who pleaded guilty in federal court to deprivation of rights. The agent admitted that he used his position to create false alerts to detain a man who had accused the agent’s brother-in-law of sexually abusing the man’s child.

Recently, Administration officials have suggested that agents are immune from all prosecution. Last month, Vice President Vance claimed that the ICE agent who killed Renee Good was protected by “absolute immunity.” Similarly, White House Deputy

Chief of Staff Stephen Miller argued that ICE officers have immunity to perform their duties.

- a. Do you disagree with Vice President Vance and Stephen Miller?

RESPONSE: The matter I prosecuted involved a corrupt federal agent who made false statements and abused his position of authority to weaponize the government against an innocent victim. I advocated for an even higher custodial sentence than the Court imposed. The immunity doctrines noted above involve separate legal questions, such as the authority of state officials to prosecute federal agents for conduct committed in the scope of their official duties.

- b. Did you commit an abuse of prosecutorial power in charging someone who had absolute immunity according to Vice President Vance and Stephen Miller?

RESPONSE: Please see my response to Question 15a.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing | February 25, 2026
Questions for the Record for Colin Michael McDonald

1. You did not answer this question during your hearing, so I will ask again: **If the President, Vice President, or any member of the White House, asks, suggests, or hints to you to investigate any of the President’s perceived political enemies, would you do so—yes or no?** Any answer other than “no” will be taken as a “yes.”

RESPONSE: The question poses a hypothetical which I do not believe would occur. Cases will be pursued based on the facts, the law, the Justice Manual, and the Principles of Federal Prosecution.

2. During your nomination hearing you testified that Joe Biden was certified as the President following the 2020 election. **Does “certify” mean the same as “win” to you?**

RESPONSE: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

3. **President Trump was found guilty of how many felony counts of falsifying business records?**

RESPONSE: I understand that President Trump is appealing the matter alluded to in this question.

4. **Is falsifying business records a form of fraud?** Explain in detail why or why not with citations to relevant law.

RESPONSE: Federal criminal law codifies various fraud-related crimes, each of which require specific elements to be proven beyond a reasonable doubt. *See, e.g.,* 18 U.S.C. 1341, 18 U.S.C. 1343, 18 U.S.C. 1347, 18 U.S.C. 1349.

5. **When Vice President Vance said that the priorities for the National Fraud Enforcement Division will be “run out of the White House,” how did you understand this directive?**

RESPONSE: This administration is committed to addressing rampant fraud across the nation. The National Fraud Enforcement Division’s Assistant Attorney General will report directly to the Deputy Attorney General. This is the same reporting structure as other similarly situated components within the Department.

6. The following questions refer to Vice President Vance’s involvement with the National Fraud Enforcement Division as part of his role leading fraud enforcement efforts for the Trump Administration. If your answer to any of the following questions is anything other

than “no,” describe your understanding of the Vice President’s role with respect to the aspect of the National Fraud Enforcement Division discussed.

- a. **Will Vice President Vance have control, influence, or oversight over any National Fraud Enforcement Division personnel?**

RESPONSE: The National Fraud Enforcement Division is housed in the Department of Justice. The Assistant Attorney General of the National Fraud Enforcement Division will report directly to the Deputy Attorney General. This is the same reporting structure as other similarly situated components within the Department.

- b. **Will Vice President Vance have control, influence, or oversight over any National Fraud Enforcement Division priorities?**

RESPONSE: Please see my response to Question 6a.

- c. **Will Vice President Vance have control, influence, or oversight over any National Fraud Enforcement Division investigations?**

RESPONSE: Please see my response to Question 6a.

- d. **Will Vice President Vance have control, influence, or oversight over any National Fraud Enforcement Division prosecutions?**

RESPONSE: Please see my response to Question 6a.

- 7. President Trump considers the Department of Justice to be his law firm and will consider you to be one of his lawyers. If your answer to any of the following questions is anything other than “no,” describe your understanding of the President’s role with respect to the aspect of the National Fraud Enforcement Division discussed.

- a. **Will President Trump have control, influence, or oversight over any National Fraud Enforcement Division personnel?**

RESPONSE: Please see my response to Question 6a.

- b. **Will President Trump have control, influence, or oversight over any National Fraud Enforcement Division priorities?**

RESPONSE: Please see my response to Question 6a.

- c. **Will President Trump have control, influence, or oversight over any National Fraud Enforcement Division investigations?**

RESPONSE: Please see my response to Question 6a.

d. Will President Trump have control, influence, or oversight over any National Fraud Enforcement Division prosecutions?

RESPONSE: Please see my response to Question 6a.

8. If your answer to any of the following questions is anything other than “no,” identify (1) the individual who works at the White House by name and title and (2) describe your understanding of their role in the work of the National Fraud Enforcement Division.

a. Will any individual who works at the White House have control, influence, or oversight over any National Fraud Enforcement Division personnel?

RESPONSE: Please see my response to Question 6a.

b. Will any individual who works at the White House have control, influence, or oversight over any National Fraud Enforcement Division priorities?

RESPONSE: Please see my response to Question 6a.

c. Will any individual who works at the White House have control, influence, or oversight over any National Fraud Enforcement Division investigations?

RESPONSE: Please see my response to Question 6a.

d. Will any individual who works at the White House have control, influence, or oversight over any National Fraud Enforcement Division prosecutions?

RESPONSE: Please see my response to Question 6a.

9. Public reporting (<https://www.cnn.com/2026/02/25/politics/colin-mcdonald-trump-picked-fraud>) indicates you have served as co-chair of the Weaponization Working Group. Review the linked article before answering the following.

a. Have you previously served as or are you currently the co-chair of the Weaponization Working Group—yes or no?

RESPONSE: I am aware of a news report identifying me as co-chair of the Weaponization Working Group, but I have not used or been conferred that title.

b. Describe your relationship with Ed Martin, the former head of the Weaponization Working Group?

RESPONSE: Ed Martin is an employee of the Department of Justice, as am I.

c. How many taxpayer dollars has the Weaponization Working Group spent on its investigations since it was established? Disaggregate by expense category.

RESPONSE: I am unaware of any financial expenditures made by the Weaponization Working Group.

- d. Have you ever witnessed any member of the Weaponization Working Group act in violation of the Department of Justice’s Ethics Manual, the law, or the Constitution?** If your answer is anything other than “no,” describe the incident(s) in detail, identifying the individual and the law or policy violated.

RESPONSE: No.

- e. During your time in the Weaponization Working Group, have you ever observed anything related to the work of the Weaponization Working Group that is contrary to the Department of Justice’s values of independence or impartiality?** If your answer is anything other than “no,” describe the incident(s) in detail, identifying any individuals involved.

RESPONSE: No.

10. During your nomination hearing you noted the large volume of cases that the National Fraud Enforcement Division will investigate.

- a. What criteria will you be utilizing when deciding what cases to prioritize for prosecution?**

RESPONSE: Cases will be pursued based on the facts, the law, the Justice Manual, and the Principles of Federal Prosecution.

- b. If confirmed, what transparency measures will you take to ensure the American people will understand whether and why you choose to prosecute certain cases and not others?** Describe in detail.

RESPONSE: Please see my response to Question 10a.

**Nomination of Colin Michael McDonald to be Assistant Attorney General for the
National Fraud Enforcement Division of the Department of Justice
Questions for the Record
Submitted March 4, 2026**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. What is the Department of Justice (DOJ) Weaponization Working Group?

RESPONSE: In a publicly available memorandum dated February 5, 2025, titled “Restoring the Integrity and Credibility of the Department of Justice,” the Attorney General established a Weaponization Working Group to identify instances in the prior administration where a department’s conduct appeared to have been designed to achieve political objectives or other improper aims rather than pursuing justice or legitimate governmental objectives. The memorandum commissioned a review of events and matters such as the retaliatory targeting of legitimate whistleblowers, a 2023 memorandum in which the Federal Bureau of Investigation suggested that certain Catholic religious practices were affiliated with violent extremism and criminal activity, and prior DOJ guidance concerning the investigation of parents of school children who expressed sincere, good-faith concerns at local government meetings. The Weaponization Working Group was designed to identify instances of wrongful weaponization, learn from those mistakes, and ensure they are not repeated.

- a. Describe the Weaponization Working Group’s mission and purpose.

RESPONSE: Please see my response to Question 1.

- b. Provide or describe a current organizational chart that clearly identifies reporting relationships and supervisory hierarchy in the Weaponization Working Group. The chart/description must include:
- i. Names and titles of all supervisors and management personnel
 - ii. Total number of staff and relevant titles

RESPONSE: To the best of my knowledge, there is no organizational chart for the Weaponization Working Group. The publicly available memorandum cited in response to Question 1a describes the nature of the Weaponization Working Group and outlines where it sits within the Department. Otherwise, it would not be appropriate for me to discuss personnel matters within the Department.

- c. Is the Weaponization Working Group subject to the requirements of the DOJ *Justice Manual*?

RESPONSE: Yes.

2. Describe the nature of your work with DOJ’s Weaponization Working Group.

RESPONSE: As an Associate Deputy Attorney General, I provide oversight to components within the Department of Justice. In approximately Summer 2025, my supervisory responsibilities were extended to encompass the Weaponization Working Group. In general, I have assisted with reviewing the facts and circumstances surrounding the events and matters identified in the Attorney General’s memorandum cited in response to Question 1.

a. Were you co-Chair of the Weaponization Working Group?

RESPONSE: I am aware of a news report identifying me as co-chair of the group, but I have not used or been conferred that title.

3. Describe the nature of Ed Martin’s work with DOJ’s Weaponization Working Group.

RESPONSE: I believe Mr. Martin was publicly announced as Director of the Weaponization Working Group in May 2025. In that role, in general, Mr. Martin led efforts commissioned by the memorandum cited in response to Question 1.

a. Was Ed Martin co-Chair of the Weaponization Working Group?

RESPONSE: Please see my response to Question 3.

b. Why was Ed Martin removed from the Weaponization Working Group?¹

RESPONSE: Mr. Martin is serving as the Pardon Attorney for the Department of Justice. As a general matter, and in this specific instance, I do not have information regarding personnel placement or assignments within the Department. And in any event, it would not be appropriate for me to discuss personnel matters within the Department.

c. Did Ed Martin improperly share or leak grand jury material?

RESPONSE: I do not know if Mr. Martin improperly shared or leaked grand jury material. I have not worked on any criminal or grand jury investigations with Mr. Martin. It would be inappropriate for me in any event to comment on internal or personnel matters, if any, within the Department.

i. Was there a DOJ review of whether Ed Martin improperly shared or leaked grand jury material?

RESPONSE: Please see my response to Question 3c.

ii. If yes, did Todd Blanche oversee this review?

¹ Greg Wehner & David Spunt, *DOJ removes Ed Martin from Trump admin's Weaponization Working Group amid increased activity*, FOX NEWS (Feb. 2, 2026), <https://www.foxnews.com/politics/doj-removes-ed-martin-from-trump-admins-weaponization-working-group-amid-increased-activity>.

RESPONSE: Please see my response to Question 3c.

- iii. Did DOJ conclude that Ed Martin leaked or improperly shared grand jury material?

RESPONSE: Please see my response to Question 3c.

- iv. Are you aware of emails that show that Ed Martin leaked or improperly shared grand jury material?

RESPONSE: Please see my response to Question 3c.

- v. Have you reviewed emails that show that Ed Martin leaked or improperly shared grand jury material?

RESPONSE: Please see my response to Question 3c.

- 4. Describe a federal prosecutor's obligations with respect to maintaining the confidentiality of grand jury material, identifying relevant statutory and regulatory authorities.

RESPONSE: Under Federal Rule of Criminal Procedure 6(e)(2)(B), an attorney for the government must not disclose a "matter occurring before the grand jury." Exceptions to this rule are outlined in Federal Rule of Criminal Procedure 6(e)(3). Section 9-11.000 of the Department's Justice Manual also describes the obligations of a federal prosecutor pertaining to grand jury proceedings.

- a. Have you ever improperly shared or leaked grand jury material?

RESPONSE: No.

- b. If you are confirmed, what instruction will you provide to your staff regarding federal prosecutor's obligations with respect to maintaining the confidentiality of grand jury material?

RESPONSE: If confirmed, I will advise my staff to follow the law and the Justice Manual.

- c. Do you believe that there may be instances in which sharing or leaking grand jury material may be justified if in furtherance of the President or Department of Justice's policy goals?

RESPONSE: No.

- d. If you are confirmed, what actions would you take if you determined that a member of your staff violated a federal prosecutor's obligations with respect to maintaining the confidentiality of grand jury material?

RESPONSE: This is a hypothetical that I do not believe will occur. However, I would follow both departmental policies and my ethical obligations.

5. Describe the mission and purpose of the National Fraud Enforcement Division.

RESPONSE: In general, the National Fraud Enforcement Division will be focused primarily on rooting out fraud perpetrated on taxpayer-funded programs and ensuring that fraudulent actors are investigated, prosecuted, and ultimately deterred from defrauding the United States.

- a. Provide or describe a current organizational chart that clearly identifies reporting relationships and supervisory hierarchy in the National Fraud Enforcement Division. The chart/description must include:
- i. Names and titles of all supervisors and management personnel
 - ii. Total number of staff and relevant titles

RESPONSE: The National Fraud Enforcement Division is in the process of being formed. The National Fraud Enforcement Division's Assistant Attorney General will report directly to the Deputy Attorney General. This is the same reporting structure as other similarly situated components within the Department.

6. Will the National Fraud Enforcement Division be directed or supervised by officials at the White House?

RESPONSE: The National Fraud Enforcement Division's Assistant Attorney General will report directly to the Deputy Attorney General. This is the same reporting structure as other similarly situated components within the Department of Justice. The National Fraud Enforcement Division will collaborate and coordinate with other Divisions within the Department as appropriate.

- a. Describe the role Vice President Vance will play with respect to the National Fraud Enforcement Division.

RESPONSE: Please see my response to Question 6.

- b. Describe the role Deputy Attorney General Blanche will play with respect to the National Fraud Enforcement Division.

RESPONSE: Please see my response to Question 6.

- c. Describe the role Assistant Attorney General Brett A. Shumate of the Civil Division will play with respect to the National Fraud Enforcement Division.

RESPONSE: Please see my response to Question 6.

- d. Describe the role Assistant Attorney General A. Tysen Duva of the Criminal Division will play with respect to the National Fraud Enforcement Division.

RESPONSE: Please see my response to Question 6.

- e. Describe the role the Chief of DOJ's Civil Fraud Section will play with respect to the National Fraud Enforcement Division.

RESPONSE: Please see my response to Question 6.

- f. Describe the role the Chief of DOJ's Criminal Fraud Section will play with respect to the National Fraud Enforcement Division.

RESPONSE: Please see my response to Question 6.

7. DOJ already investigates and prosecutes fraud through its Civil and Criminal Divisions. Explain the need for the National Fraud Enforcement Division in light of DOJ's existing components prosecuting fraud.

RESPONSE: Unlike any other division of the Department of Justice, the primary focus of the National Fraud Enforcement Division will be investigating and prosecuting fraud perpetrated against taxpayer-funded programs.

- a. Describe the functions that the National Fraud Enforcement Division will serve that the Civil Division's Fraud Section or Criminal Division's Fraud Section do not currently fulfill. For each and all functions, describe how the Department's Fraud Sections do not fulfil those functions.

RESPONSE: Please see my response to Question 7.

- b. Describe how the National Fraud Enforcement will coordinate with existing DOJ components that enforce civil and criminal laws relating to fraud.

RESPONSE: The National Fraud Enforcement Division will communicate with other divisions within the Department of Justice to ensure maximum efficiency and success in the Department's overall efforts to combat fraud.

8. If confirmed, to whom will you report on a daily basis?

RESPONSE: If confirmed as Assistant Attorney General of the National Fraud Enforcement Division, I will report directly to the Deputy Attorney General. This is the same reporting structure as other similarly situated components within the Department.

- a. If confirmed, will you report to Vice President Vance?

RESPONSE: Please see my response to Question 8.

- b. If confirmed, will you report to Attorney General Pam Bondi?

RESPONSE: Please see my response to Question 8.

- c. If confirmed, will you report to Deputy Attorney General Todd Blanche?

RESPONSE: Please see my response to Question 8.

- d. If confirmed, will you report to Stephen Miller?

RESPONSE: Please see my response to Question 8.

- 9. Do you commit to enforcing criminal laws that target fraud without regard to political affiliation?

RESPONSE: Yes. Matters will be pursued based on the facts, the law, the Justice Manual, and the Principles of Federal Prosecution.

- a. If credible evidence of fraud involving the President, his family, or senior administration officials were referred to the National Fraud Enforcement Division, do you commit to treating that evidence as you would in any other case?

RESPONSE: The primary focus of the National Fraud Enforcement Division will be investigating and prosecuting fraud perpetrated against taxpayer-funded programs. Matters will be pursued based on the facts, the law, the Justice Manual, and the Principles of Federal Prosecution.

- b. If credible evidence of fraud involving conduct that benefits the President or his family businesses were referred to the National Fraud Enforcement Division, do you commit to treating that evidence as you would in any other case?

RESPONSE: Please see my response to Question 9a.

- 10. The DOJ *Justice Manual* governs the conduct of federal prosecutors. Are its provisions binding on DOJ attorneys?

RESPONSE: The Justice Manual applies to DOJ attorneys.

- a. If not, explain.

- 11. Section 1-8.600(A)(1) of the DOJ *Justice Manual* states the following:

In order to promote and protect the norms of Departmental independence and integrity in making decisions regarding criminal and civil law enforcement, while at the same time preserving the President's ability to perform his constitutional obligation to "take care that the laws be faithfully executed," the Justice Department will not advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important for the performance of the President's duties and appropriate from a law enforcement perspective.²

- a. If confirmed, will you adhere to this provision of the *Justice Manual*?

RESPONSE: If confirmed, I intend to follow departmental policies.

- b. If confirmed, will you ensure that all staff within the National Fraud Enforcement Division adhere to this provision of the *Justice Manual*?

RESPONSE: If confirmed, I intend for my staff to follow departmental policies.

- c. Do you agree that this provision is intended to safeguard prosecutorial independence from political influence? Explain your views.

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.

² U.S. DEP'T OF JUSTICE, *Justice Manual* § 1-8.600(A)(1), Communication with the White House (2022).

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Colin McDonald
Hearing on “Nominations”
Wednesday, February 25, 2026

1. During your nomination hearing, you told Senator Durbin that you are “involved in the work” of the Department of Justice’s (DOJ) Weaponization Working Group. Please describe your involvement in detail and whether you served as “co-chair” of the group with Ed Martin.

RESPONSE: In a publicly available memorandum dated February 5, 2025, titled “Restoring the Integrity and Credibility of the Department of Justice,” the Attorney General established a Weaponization Working Group to identify instances in the prior administration where a department’s conduct appeared to have been designed to achieve political objectives or other improper aims rather than pursuing justice or legitimate governmental objectives. The memorandum commissioned a review of events and matters such as the retaliatory targeting of legitimate whistleblowers, a 2023 memorandum in which the Federal Bureau of Investigation suggested that certain Catholic religious practices were affiliated with violent extremism and criminal activity, and prior DOJ guidance concerning the investigation of parents of school children who expressed sincere, good-faith concerns at local government meetings. The Weaponization Working Group was designed to identify instances of wrongful weaponization, learn from those mistakes, and ensure they are not repeated.

As an Associate Deputy Attorney General, I provide oversight to components within the Department of Justice. In approximately Summer 2025, my supervisory responsibilities were extended to encompass the Weaponization Working Group. In general, I have assisted with reviewing the facts and circumstances surrounding the events and matters identified in the Attorney General’s memorandum cited above. I am aware of a news report identifying me as co-chair of the group, but I have not used or been conferred that title.

2. On August 12, 2025, Ed Martin sent New York Attorney General Letitia James’ counsel a letter. In it, he suggested that her “resignation from office” would be “an act of good faith.” The letter was reportedly sent four days after DOJ opened an investigation into Attorney General James. Please describe the extent of your involvement, if any, in drafting or submitting this letter to Attorney General James’ counsel.

RESPONSE: I had no involvement.

3. On August 15, 2025, Special Attorney Martin was photographed with a colleague outside Attorney General James' home.

a. Who was the colleague that was photographed alongside Mr. Martin?

RESPONSE: I believe public reporting has identified that individual as Neil McCabe.

b. Please describe the extent of your involvement, if any, in the decision for Mr. Martin to visit Attorney General's home in New York City.

RESPONSE: I had no involvement.

4. Mr. Martin is reportedly no longer the chair of the Weaponization Working Group. According to public reporting, Martin was demoted following a DOJ review which found that he improperly handled grand jury materials.

a. Can you explain the importance of grand jury secrecy rules?

RESPONSE: Under Federal Rule of Criminal Procedure 6(e)(2)(B), an attorney for the government must not disclose a "matter occurring before the grand jury." Exceptions to this rule are outlined in Federal Rule of Criminal Procedure 6(e)(3). These rules are central to the justice system.

b. What is your understanding as to why Mr. Martin is no longer the chair of the Weaponization Working Group?

RESPONSE: Mr. Martin is serving as the Pardon Attorney for the Department of Justice. As a general matter, and in this specific instance, I do not have information regarding personnel placement or assignments within the Department. And in any event, it would not be appropriate for me to discuss personnel matters within the Department.

c. To your knowledge, did Mr. Martin share grand jury materials with an unauthorized individual?

RESPONSE: I do not know if Mr. Martin shared grand jury material with an unauthorized individual. I have not worked on any criminal or grand jury investigations with Mr. Martin.

5. Please describe whom you consulted in the preparation for your nomination hearing.

RESPONSE: I consulted various individuals, including Department of Justice and other employees of the executive branch, in preparation for my nomination hearing.