

**Senator Peter Welch**  
**Senate Judiciary Committee**  
**Written Questions for John Ashcroft**  
**Hearing on “The Nomination of the Honorable Todd Blanche to be Attorney**  
**General of the United States”**  
**July 16, 2026**

1. We discussed your decision to recuse yourself from the Department of Justice’s criminal investigation into Enron. Please explain why you made that decision while you were the Attorney General.

**To the best of my knowledge and recollection, I consulted with officials at the U.S. Department of Justice on recusal questions and acted consistently with governing rules and regulations.**

2. Mr. Blanche previously served as President Trump’s personal attorney in multiple criminal cases, civil investigations, and civil lawsuits. A political action committee associated with President Trump—Save America PAC—paid his firm over \$9 million for the legal representation he provided the President in these cases.
  - a. Do you believe Mr. Blanche should have recused himself from matters involving President Trump’s personal or financial interests? Please explain.

**The decision to recuse oneself depends on specific facts and circumstances. As a result, I do not believe it is appropriate for me to opine on whether another individual should recuse himself from pending matters regarding which I have no comprehensive factual awareness. To the best of my knowledge and recollection, I consulted with officials at the U.S. Department of Justice on recusal questions and acted consistently with governing rules and regulations.**

- b. The addendum to the settlement agreement in *President Donald J. Trump v. Internal Revenue Service*, which was signed by Acting Attorney General Blanche, purported to “release, waive, acquit, and forever discharge” President Trump, his family members, the Trump Organization, and affiliated entities from claims and examinations

arising from matters that were pending or could have been pending at the time of the settlement.

- i. Are you aware of any instance where an Attorney General, or Acting Attorney General, authorized the Department to settle an investigation or case against a past client?

**No.**

- ii. Are you aware of any instance where an Attorney General, or Acting Attorney General, authorized the Department to waive claims of liability against a past client?

**No.**

**Questions for the Record**  
**The Honorable John Ashcroft**  
Sen. Adam Schiff (CA)

1. When you served as Attorney General under George W. Bush, you recused yourself from an investigation into the leaked identity of CIA operative Valerie Plame. In an interview with the media, then-Deputy Attorney General James Comey stated you reached the decision to recuse yourself on your own after long consideration, and that it was ultimately about not creating even an “appearance” of impropriety.
  - a. Why is it important for Department of Justice officials to recuse themselves from cases that could create the appearance of a conflict of interest?

**It was important for me to recuse myself so I could be confident that any personal, pre-conceived opinion would not affect my judgment. To the best of my knowledge and recollection, I consulted with officials at the U.S. Department of Justice on recusal questions and acted consistently with governing rules and regulations.**

- b. Did you consult Department ethics officials when considering whether recusal was appropriate in that case?

**To the best of my knowledge and recollection, I consulted with officials at the U.S. Department of Justice on recusal questions and acted consistently with governing rules and regulations.**

- c. If so, did you follow their guidance?

**Please see my response to Question 1(b).**

2. Do you agree the legislative reforms enacted post-Watergate to enshrine prosecutorial independence into the Department of Justice are important for the Department’s mission?

**Congress enacts legislation on behalf of the American people, who decide what is or is not important when they elect representatives into office. The Executive Branch is tasked under the Constitution with faithfully**

**enforcing those laws as passed. Believing in the rule of law, and having served in both branches, I respect the judgment of my former colleagues and the constitutional legislative reforms they have enacted.**

- a. Why is prosecutorial independence important?

**So that the citizens of America can enjoy the equal protection of the law. Prosecutors are part of the Executive Branch and answer to the President, but are sworn to the Constitution. Prosecutors are charged with upholding the rule of law—the best friend of liberty.**

- b. Do you agree threats to prosecutorial independence might compromise the Department's mission to uphold the rule of law? If you do not agree, why not?

**Yes.**

3. On February 18, 2025, President Trump issued an Executive Order entitled "Ensuring Accountability for All Agencies." In that Executive Order, President Trump clarified that the Attorney General's legal interpretations are "subject to the President's supervision and control."

- a. While serving as Attorney General, did you ever submit your legal opinions to the White House for supervision and control?

**The legal opinions reached during my service as Attorney General were a product of department research and reflected conclusions with which I agreed.**

- b. If the President can control the legal interpretations of the Department of Justice, what do you understand the role of the Attorney General to be?

**While the Attorney General is part of the Executive Branch and answers to the President, he is sworn to the Constitution.**

- c. Do you agree that Presidential control over the Department's ability to interpret the law poses a threat to the Department's mission to uphold the rule of law?

**Please see my answers to Questions 3(a)-(b).**

- d. Did President George W. Bush ever personally direct you to prosecute one or more of his political enemies while you served as Attorney General?

**The Attorney General has a duty to enforce the law uniformly, even if the law has been broken by the President's "enemies." They do not become exempt from following the law merely by their enmity to the President of the United States. Indeed, the people who break the law are in enmity with the people of the United States. The law has been developed by Congress. For example, no one should have concerns with President Bush encouraging me to prosecute terrorists by telling me, the Attorney General, "don't ever let this happen again" after the terror attacks of September 11, 2001. See Richard B. Schmitt, *Ashcroft Wielded Rare Power as Attorney General*, Los Angeles Times (Nov. 10, 2004). In the same vein, as a hypothetical, if President Lincoln had survived the assassination attempt, the American people should not have concern if he directed then Attorney General James Speed to prosecute John Wilkes Booth.**

- e. Did President George W. Bush ever instruct you regarding how to interpret a statute or how to structure a case while you served as Attorney General?

**Please see my answer to Question 3(a).**

- f. If, while serving as Attorney General, President Bush had asked you to prioritize a prosecution of one of his political enemies, even though you knew the case to be deeply flawed, would you have done so anyway?

**While the Attorney General is a part of the Executive Branch and answers to the President, he is sworn to the Constitution. While in office, the Attorney General (through his subordinates) makes the final call to bring a case, after a full assessment of the facts and within constitutional, legal, and ethical boundaries.**

4. Do you believe attorneys serving in the Department of Justice retain the responsibility to uphold their ethical obligations under the American Bar Association and their respective state bar associations?

**The Attorney General and the attorneys serving in the Department are responsible for upholding the laws of the United States and following the Constitution of the United States.**

- a. How should a Department of Justice attorney respond if they believed their ethical responsibilities precluded them from initiating a prosecution, but the President or a superior within the Department of Justice insisted they continue with the prosecution anyway?

**Ethics questions are inherently fact intensive. As a result, I do not believe it is appropriate for me to opine on ethics questions regarding which I have no comprehensive factual awareness. To the best of my knowledge and recollection, I consulted with officials at the U.S. Department of Justice on ethics questions and acted consistently with governing rules and regulations.**

- b. Would it be appropriate to fire a Department of Justice attorney, or to force them to resign, for declining such a prosecution?

**I do not believe it is appropriate for me to opine on fact specific disciplinary matters for a Department I have not overseen for over two decades.**

5. During the hearing, you told me you believe the President must be a “advocate of strong law enforcement.” In September 2025, President Trump fired Erik Siebert, Interim U.S. Attorney for the Eastern District of Virginia, because Mr. Siebert determined there was insufficient evidence to charge New York Attorney General Letitia James with a crime. Mr. Siebert sought to resign, and in a Truth Social post, President Trump stated “He didn’t quit, I fired him!” What message does it send to line prosecutors at the Department of Justice that the President would fire a U.S. Attorney for declining to prosecute where evidence to support a prosecution did not exist?

**I am not in a position to speculate on how the actions of the President might or might not be interpreted.**

- a. Does a President advocate for “strong law enforcement” when he fires prosecutors for deciding not to prosecute cases that lack sufficient evidence for an indictment?

**While prosecutors are part of the Executive Branch and answer to the President, they are sworn to the Constitution. While in office, prosecutors bring cases after a full assessment of the facts and applicable law and within constitutional, legal, and ethical boundaries.**

- b. Does the Attorney General play a role in protecting Department prosecutors from political interference from the President?

**No. Prosecutors are part of the Executive Branch and answer to the President. However, they are sworn to the Constitution.**

- c. Do you believe Todd Blanche should have done more to protect Mr. Siebert from his political firing?

**I cannot speculate on fact specific personnel decisions.**

- d. If you were Attorney General, and President Bush fired a U.S. Attorney for failing to prosecute a case against a perceived political rival that lacked sufficient evidence, would you have thought that was appropriate? What would you have done in response?

**Please see my answer to Question 5(c).**

- 6. President Trump has now pardoned or granted clemency to every single defendant charged with or convicted of participating in the attack on the United States Capitol on January 6, 2021.

- a. What are the effects of pardoning criminal defendants who are convicted of violent assaults on law enforcement officers?

**I see no value in speculating about such “effects.” The President is vested with the pardon power as described in Article II, Section 2 of the U.S. Constitution.**

- b. Do the pardons of violent January 6<sup>th</sup> defendants support strong law enforcement or undermine it?

**I am not in a position to speculate on how the actions of the President might or might not be interpreted.**

- 7. During the hearing, you told me you would be concerned if “the laws were to be enforced differentially.” How would you determine whether the law was being enforced differentially?

**If factually identical cases were treated differentially.**

- a. During the Second Trump Administration, President Trump has increasingly failed to prosecute white-collar crime, despite Department investigations yielding sufficient evidence to warrant charges. Does this look like differential law enforcement to you?

**I defer to the current leadership at the U.S. Department of Justice regarding their enforcement strategy.**

- b. As Attorney General, did you ever propose or support criminal investigations based on the political beliefs of an organization or individual?

**To the best of my knowledge and recollection, cases were pursued after a full assessment of the facts and applicable law and within constitutional, legal, and ethical boundaries.**

- c. President Trump has repeatedly and publicly pushed for investigations into left-leaning political donors and organizations. While the Blanche Department of Justice continues to investigate these groups, it has failed to pursue similar investigations into right-leaning groups. In your opinion, does that change constitute differential law enforcement?

**I defer to the current leadership at the U.S. Department of Justice regarding their law enforcement strategies.**

- d. In July 2025, Todd Blanche met and personally interviewed Ghislaine Maxwell, a convicted sex trafficker who conspired with Jeffrey

Epstein. Shortly after the interview, Maxwell was transferred to a minimum-security prison camp. As Attorney General, did you ever grant a waiver to a convicted sex offender that would permit them to be transferred to a minimum-security prison?

**I have no recollection regarding any specific grant or denial of such waivers.**

- e. If not, does it look like differential law enforcement to you when the Deputy Attorney General personally interviews a convicted sex offender and days later the same sex offender is transferred to a minimum-security prison?

**I defer to the current leadership at the U.S. Department of Justice regarding their law enforcement strategies.**

- 8. In an April 30, 2026 letter, House Judiciary Committee Democrats acknowledged whistleblower reports indicate Associate Deputy Attorney General Aakash Singh encouraged U.S. Attorneys in the Middle District of Alabama to rush an indictment against the Southern Poverty Law Center, despite serious concerns about the strength of the case.

- a. What risks does the Department create by choosing to indict despite serious internal concerns regarding the strength of cases?

**I defer to the current leadership at the U.S. Department of Justice regarding their judgment.**

- b. When you were Attorney General, did you ever direct any of your deputies to rush an indictment while outstanding concerns regarding the strength of the case existed?

**To the best of my knowledge and recollection, cases were pursued after a full assessment of the facts and applicable law and within constitutional, legal, and ethical boundaries.**

- c. Do you believe Blanche should have done more to protect the investigative process of the Middle District of Alabama against political interference from Singh?

**I defer to the current leadership at the U.S. Department of Justice regarding their judgment.**

9. The United States Attorneys' Manual in effect while you were Attorney General stated that "[i]n dealing with the grand jury, the prosecutor must always conduct himself or herself as an officer of the court whose function is to ensure that justice is done and that guilt shall not escape nor innocence suffer. [ . . . ] The prosecutor's responsibility is to advise the grand jury on the law and to present evidence for its consideration. In discharging these responsibilities, the prosecutor must be scrupulously fair to all witnesses and must do nothing to inflame or otherwise improperly influence the grand Jurors." U.S. Dep't of Justice, United States Attorneys' Manual § 9-11.010 Introduction.
- a. Would you ever have instructed your subordinates at the Department of Justice to engage in "vouching" or to dismiss or exclude a grand juror from deliberations on the grounds that they would not support an indictment?

**To the best of my knowledge and recollection, I expected and encouraged all Department officials to abide by applicable departmental guidance.**

- b. How would you have responded if you discovered one of your subordinates at the Department of Justice had instructed their subordinates to or engaged in "vouching" or dismissed or excluded a grand juror from deliberations on the grounds that they would not support an indictment?

**Please see my answer to Question 9(a).**

10. The United States Attorneys' Manual in effect while you were Attorney General stated that "[o]nce a grand jury returns a no-bill or otherwise acts on the merits in declining to return an indictment, the same matter (i.e., the same transaction or event and the same putative defendant) should not be presented to another grand jury or resubmitted to the same grand jury without first securing the approval of the responsible United States Attorney." U.S. Dep't of Justice, United States Attorneys' Manual § 9-11.120 Power of a Grand Jury Limited by Its Function.

- a. What do you think is conveyed when the majority of a federal grand jury declines to indict a case presented by federal prosecutors?

**I cannot speculate what is in the various personal minds of federal grand juries.**

- b. While you were Attorney General, do you know how many times the Justice Department presented a case to a grand jury only to fail to persuade a single grand juror to vote for an indictment?

**I have no recollection regarding any specific number of true bills and/or no bills.**

11. Several federal courts have recently adopted new local rules that will document when federal grand juries refuse to indict a defendant. These rules have been proposed by courts in response to increasing reports of no-bills by federal prosecutors serving under this administration.

- a. Do you agree that increasingly frequent no-bills suggest that courts and the public deserve additional information about when federal prosecutors are presenting cases that do not allege probable cause?

**I cannot speculate on what is in the individual minds of various federal judges and members of the public.**

12. What is the standard for determining a “threat” under federal criminal law?

***Counterman v. Colorado*, 600 U.S. 66, 74 (2023), establishes the current standard for a “true threat” under federal criminal law. The Court’s opinion speaks for itself.**

- a. Do you believe a photograph of seashells could meet that standard?

**I do not believe it is appropriate for me to comment on fact specific criminal matters that I am not involved in and thus do not have full access to the evidence in the prosecution’s possession.**

13. If you were Attorney General, would you have authorized prosecution of a group of Senators simply for publishing a video making an accurate legal statement?

**Please see my answer to Question 12(a).**

14. As Attorney General, you helped honor victim advocates and celebrated National Crime Victims' Rights Week on behalf of the Department of Justice.

- a. What are the legal and moral obligations of the Department of Justice to interact with and meet with the victims of crimes?

**Without specific awareness of the facts and legal considerations (such as statutes of limitation), I defer to the current leadership at the U.S. Department of Justice regarding how they carry out departmental duties.**

- b. While Attorney General, did you ever refuse to meet with the victims of crimes? If so, why?

**I have no recollection regarding whether such meetings took place.**

- c. What message does it send to survivors of sexual assault if America's top law enforcement official will only meet with them after instructed to do so by an elected official?

**I am not in a position to speculate on how the actions of the Acting Attorney General might or might not be interpreted.**