

Questions for the Record
Chairman Charles E. Grassley of Iowa
The Nomination of David Adam Candeub
to be Assistant Attorney General
August 5, 2026

1. How would you describe your approach towards antitrust enforcement, and how do you generally evaluate alleged claims, and determine the appropriate resolution and remedy?

RESPONSE: As Justice Scalia observed in *Verizon v. Trinko*, false positives in antitrust enforcement can wreck great damage on the American economy and cost Americans jobs. Caution and careful analysis of market effects is essential. But, once a violation of the antitrust laws is found, vigorous enforcement is necessary.

2. How will you apply the consumer-welfare standard when competitive harm appears to affect more than just price and productivity?

RESPONSE: The consumer-welfare standard calculates the total economic surplus consumers receive for a good above what they actually pay. “Economic surplus” goes beyond price and output/quantity to include innovation as well as quality, which in turn can include things such as privacy, safety, or durability. If confirmed, I will work with Antitrust Division personnel to ensure Division enforcement actions are cognizant of these goals.

3. Do you believe that there are legitimate competition concerns related to big tech and the online marketplace? Would legislation help address these concerns?

RESPONSE: Many have expressed genuine concerns about competition in big tech and the online marketplace. If confirmed, I look forward to working with appropriate stakeholders to develop legislative solutions that respond to these concerns and that best protect the American consumer, all in an effort to foster competition and encourage innovation.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for D. Adam Candeub
Nominee to be Assistant Attorney General for the Antitrust Division
August 19, 2026

1. In reviewing your record, I am appalled at the company you have chosen to keep. You signed a letter in support of President Trump that was organized in part by Boyd Cathey, a Holocaust denier. You coauthored an article with Jeremy Carl, President Trump’s failed nominee to be an Assistant Secretary of State. Carl has called the Civil Rights Act an “anti-white weapon.” He has also stated “Jews have often loved to play the victim” and “Hitler is always the convenient kind of bad example.” Carl praised your nomination in a social media post.

a. Do you agree with Carl that the Civil Rights Act is an “anti-white weapon”?

RESPONSE: No.

You also coauthored several articles with Marcus Epstein, a former Republican operative with ties to neo-Nazi Richard Spencer and other white nationalists. Epstein pleaded guilty to assault after he called a Black woman the n-word and tried to physically attack her. When you were asked about Epstein in June 2019, you said: “I can only say that the Mark Epstein whom I know is a brilliant antitrust lawyer and superb writer.”¹

b. Are you willing to denounce Epstein and his hateful actions?

RESPONSE: I wholeheartedly denounce the actions of Marcus Epstein described in this question.

c. Do you condemn white nationalism and the hateful ideologies of these individuals with whom you have associated?

RESPONSE: Yes, I wholeheartedly condemn white nationalism and hateful ideologies.

2. The *Wall Street Journal* has revealed that politically-connected lobbyists, in particular far-right activist Mike Davis, have used their connections to former Attorney General Bondi, Acting Attorney Blanche, and other Trump appointees to steamroll Antitrust Division attorneys to benefit wealthy corporate interests. Former Principal Deputy Assistant Attorney General Roger Alford, a conservative Trump appointee, was fired for refusing to go along with this politicization of antitrust enforcement. He explained that Davis and others made a “Faustian bargain of trading on relationships with powerful people to reportedly earn million-dollar success fees by helping corporations undermine

¹ Ryan Mac & Joseph Bernstein, *A Former Republican Operative With Ties To White Nationalists Has Been Publishing Opinion Pieces In The Wall Street Journal*, BUZZFEED (June 18, 2019), <https://www.buzzfeednews.com/article/ryanmac/marcus-mark-epstein-white-nationalist-vdare-wall-street>.

Trump’s antitrust agenda, hurt working class Americans, break the rules, and then try to cover it up.”

We have seen a number of controversial antitrust settlements and merger approvals under the current Administration, from HPE-Juniper and Compass-Anywhere to the recent Live Nation settlement and approval of the Paramount-Warner Bros. Discovery merger.

- a. **What are the costs to the public when lobbyists with close ties to the President, rather than career antitrust attorneys, are the ones making antitrust enforcement decisions?**

RESPONSE: If confirmed, I will follow all applicable federal laws and Department of Justice policies and procedures regarding ethics obligations, including when making investigatory and prosecutorial decisions.

Associate Attorney General Stanley Woodward, the number three official in the Justice Department, has reportedly told subordinates that the Antitrust Division should not sue any corporations over their proposed mergers and should settle all active cases to let the deals proceed. Reporting also indicates that DOJ political appointees have prohibited the Antitrust Division from issuing “second requests” which require merging corporations to turn over in-depth internal records. It is clear to me that approving mergers without fully analyzing the impact of those mergers will result in everyday Americans paying more and getting less as a result of decreased competition.

- b. **Is it good policy to signal to corporations that their mergers and acquisitions will not be scrutinized as long as they know the right people?**

RESPONSE: I am not currently employed by the Antitrust Division; however, if confirmed, the Antitrust Division will make prosecutorial and investigative decisions based on the facts and the law.

- c. **What do you say to American citizens concerned that they will be forced to pay more for gas and airline travel because the Justice Department is turning a blind eye to the harms of proposed mergers?**

RESPONSE: If confirmed, the Antitrust Division will use the tools at its disposal, such as both settlement and litigation authorities, that serve valuable purposes in encouraging competition and fostering innovation to the benefit of American consumers.

3. In an August 2023 email thread disclosed through a Michigan Freedom of Information Act request, you responded to an article shared by a colleague in which conservative scholars argued that President Trump was disqualified to serve as President under the Fourteenth Amendment because he participated in an insurrection or rebellion. You wrote: “There was no insurrection. There was a political demonstration to protest a

crooked election that got out of control. Everything else is simply [a] Democratic talking point. There's no evidence of it. It is the preferred swamp dream of our liberal elites."²

- a. Do you still believe the 2020 election was, to use your words, “a crooked election”?**

RESPONSE: My statements described my concerns of big tech censoring certain news stories and information that benefited one candidate at the expense of the other.

- b. What evidence do you have that the 2020 election was “crooked”?**

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

- c. Do you still believe the attack on the Capitol was nothing more than a political demonstration that got out of control?**

RESPONSE: The protestors at the U.S. Capitol on January 6, 2021 got out of control and some of them broke the law, including committing violence against law enforcement officers and damage to property. I wholeheartedly condemn all violence against law enforcement and destruction of property. As I stated during the hearing to consider my nomination, the events of January 6, 2021 amounted to a terrible day for America.

- 4. You have been a frequent critic of Section 230 of the Communications Decency Act. On numerous occasions, you have called for reforming or outright repealing Section 230. I also have major issues with Section 230 and have advocated for changes to protect people online and hold Big Tech companies accountable.**

- a. What do you perceive as the major problems with Section 230?**

RESPONSE: I believe that courts have strayed from the statute's text.

- b. What actions would you recommend Congress take to address the problems currently posed by Section 230?**

RESPONSE: To carefully analyze Section 230 law as evidenced by recent court of appeals cases and determine whether further action would be helpful.

- 5. Over the course of your career, you have claimed to be a champion of free speech. But during your time as the general counsel of the FCC, the FCC has repeatedly weaponized**

² *FOIA Response to American Oversight*, AM. OVERSIGHT (Aug. 23, 2024), <https://s3.documentcloud.org/documents/25151210/michigan-state-university-communications-regarding-university-employees-associated-with-project-2025.pdf>, at 18-19. *See also* Theo Scheer, *MSU professor who called 2020 election ‘crooked’ to be top FCC lawyer*, STATE NEWS (Feb. 11, 2025), <https://statenews.com/article/2025/02/msu-prof-who-called-2020-election-crooked-to-be-top-fcc-lawyer>.

the agency to censor, threaten, and punish entities who appear insufficiently loyal to President Trump. In July 2026, the President called for the revocation of broadcast licenses from ABC and NBC after they did not air live coverage of one of his speeches. Shortly thereafter, the Trump-appointed FCC Chairman, Brendan Carr, said the FCC would consider ABC's decision to not carry a live broadcast of the speech as part of its early review of licenses to eight ABC-owned stations. Carr has also threatened and targeted ABC and Disney in response to remarks by Jimmy Kimmel and alleged DEI practices. These are just parts of the larger pattern of intimidation, consolidation, and corruption that has defined the FCC during the second Trump Administration.

- a. As general counsel of the FCC, why have you permitted these attacks on free speech and President Trump's perceived enemies?**

RESPONSE: As General Counsel of the FCC, I provided confidential legal advice. Due to my professional and ethical obligations, it would be inappropriate for me to discuss litigation strategy or legal advice.

- b. Have you done a single thing to try to stop President Trump or FCC Chairman Carr from acting on their worst impulses? If yes, please provide details about what you have done.**

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

- 6. You provided very few details about your work for various government agencies in your Questionnaire. But based on FOIA requests, we know that during your time at the National Telecommunications and Information Administration in 2020, you repeatedly emailed documents from your work account to your personal Gmail account and otherwise used your personal email to conduct government business.³**

- a. Why did you email work-related documents to your personal email account while serving in the first Trump Administration?**

RESPONSE: It was during the COVID shutdown and tech services were not readily available.

- b. Have you used your personal email account or personal devices to conduct government business while serving in the second Trump Administration?**

RESPONSE: In the roles for which I was employed in the second Trump Administration, I have not.

- c. Why did you ignore rules which prohibit the use of personal email accounts for official government business?**

³ *AFP Foundation Sues NTIA: What is Acting Administrator Candeub Hiding?* AMERICANS FOR PROSPERITY (Dec. 15, 2020), <https://americansforprosperity.org/press-release/afp-foundation-sues-ntia-what-is-acting-administrator-candeub-hiding/>.

RESPONSE: I respectfully disagree with the premise of your question, and I do not believe I used my personal email accounts in a manner constituting official government business.

According to other publicly available documents, you were asked to serve as one of four members of the FCC's so-called "DOGE team" in February 2025.⁴

d. Were you on the FCC's DOGE team?

RESPONSE: Yes.

7. Your Questionnaire was among the most incomplete the Committee has received. You failed to include more than 100 items that should have been disclosed in your initial Questionnaire. Your supplemental letters dated July 10, 2026 and July 29, 2026 failed to include more than 90 items that you acknowledged (in your supplemental letter dated August 4, 2026) you should have disclosed.

a. Please explain the process by which you searched for materials responsive to the Senate Judiciary Committee Questionnaire.

RESPONSE: I conducted a thorough search of my records for the relevant time period as defined by the Questionnaire to identify potentially responsive information. As a result, I disclosed several hundreds of items in my Questionnaire and supplemental letters.

b. Why were your omissions so extensive?

RESPONSE: Please see my response to Question 7.a.

c. Have you failed to disclose any other materials responsive to the Questionnaire that you have not previously submitted? If yes, please list those items and provide those materials to the Committee.

RESPONSE: I believe I have provided all materials responsive to the Questionnaire.

8. In July 2026, public reporting revealed that in the months after the FCC approved Skydance's acquisition of Paramount, Paramount gifted FCC Commissioner Olivia Trusty tickets to the December 2025 Kennedy Center Honors worth more than \$12,000. FCC Chairman Carr and his wife also attended the event and sat in a private box with

⁴ Lauren Feiner, *What 1,000 pages of documents tell us about DOGE*, THE VERGE (Dec. 16, 2025), <https://www.theverge.com/policy/845063/fcc-doge-foia-brendan-carr-senate-hearing>; *FCC FOIA Production 1 for Frequency Forward*, FREQUENCY FORWARD (Aug. 25, 2025), <https://frequencyfwd.com/files/motion-exhibit-1-08252025.pdf>; Cameron Coats, *FOIA Lawsuit Presses FCC on DOGE Access and Ethics*, RADIO INK (Feb. 17, 2026), <https://radioink.com/2026/02/17/foia-lawsuit-presses-fcc-on-doge-access-and-ethics/>.

Paramount CEO David Ellison and other executives from Paramount and CBS, with each seat in the box valued at \$125,000. Since Carr's 2017 appointment to the FCC, he has accepted tickets from Paramount and CBS worth more than \$60,000.

You are the FCC's designated ethics official.

a. Did you approve the tickets accepted by Trusty?

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

b. Did you approve the tickets accepted by Carr? Please provide the name of any ticketed event and the value of each ticket accepted by Carr that you or another FCC official approved.

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

c. Do you recognize the obvious conflict of interest and appearance of impropriety created by FCC officials accepting expensive gifts from CBS, Paramount, and other parties with decisions pending before the FCC?

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

9. The U.S. Department of Agriculture (USDA) recently published projections showing continued increases in input costs for every major agricultural crop. Extraordinarily high prices for fertilizer and fuel have been painful for farmers in 2026, and input costs for 2027 are expected to remain high—driven by price increases in seed, chemicals, repairs, labor, machinery, and cash rents. A 2025 Executive Order issued by President Trump directed the Justice Department to tackle anticompetitive behaviors in America's food supply chains. Thus far, DOJ has secured a commitment from Bayer CropScience LLC to end certain aspects of its loyalty program. In addition, the Federal Trade Commission (FTC), secured a settlement with John Deere on right to repair. In September 2025, DOJ and USDA announced a partnership to address competition in agricultural markets, including feed, fertilizer, fuel, seed, and equipment. Fertilizer alone is approximately 25 percent of the cost of growing a crop, which ultimately is passed down to consumers in the grocery store.

a. If confirmed to lead the Antitrust Division, how would you address the alleged anticompetitive conduct in the fertilizer sector?

RESPONSE: I will ensure the Antitrust Division exercises its investigative and prosecutorial authorities appropriately and consistent with applicable law and the facts of each case.

b. To the extent that you would be working with the FTC or USDA, what resources should DOJ provide?

RESPONSE: If confirmed, the Antitrust Division will provide all available resources necessary to ensure each agency can effectively contribute to these efforts.

- c. **Will you commit to prioritizing actions on these issues and providing updates, so that when farmers have to make their planning decisions for next year they can have some sense for what to expect?**

RESPONSE: Yes.

10. DOJ's antitrust field office in Chicago plays a key role in enforcing antitrust laws in the agricultural sector and is the main antitrust enforcement team in the Midwest. While there are some new memoranda of understanding (MOUs) in place, I want to emphasize a few areas where recent ongoing activities have not been clear: (1) the Seeds Competition Working Group that comprises DOJ, USDA, FTC, USPTO, and EPA, to address the full range of obstacles to bringing a generic seed product to market; (2) the DOJ-USDA Packers and Stockyards enforcement partnership, including for enforcing USDA's poultry rules and anti-retaliation rules; and (3) USDA-DOJ-FTC joint work on retail and distributor concentration and its impact upstream on farmers and ranchers, which is relevant to a merger being considered by the FTC between the dominant food distributor (Sysco) and a service provider for independent restaurants (Restaurant Depot).

- a. **What can you share about your knowledge of each of these initiatives?**

RESPONSE: I am not currently employed by the Antitrust Division; however, if confirmed, the Antitrust Division will use all tools at its disposal to encourage competition, foster innovation, and protect American consumers.

- b. **Will you commit to reinvigorating these partnerships, and, in general, prioritizing meaningful antitrust cases in areas like seeds, poultry, and retail/food distribution?**

RESPONSE: Please see my response to Question 10.a.

Senator Thom Tillis
Questions for the Record
Senate Judiciary Committee Hearing
for the Nomination of D. Adam Candeub to be
Assistant Attorney General of the United States

It is my understanding that a State-FOIA request was submitted, which led to a statement that you made being revealed about January 6th.

You stated:

“There was no insurrection. There was a political demonstration to protest a crooked election that got out of control.”

1. Can you clarify your position on January 6, 2021?

RESPONSE: The protestors at the U.S. Capitol on January 6, 2021 got out of control and some of them broke the law, including committing violence against law enforcement officers and damage to property. I wholeheartedly condemn all violence against law enforcement and destruction of property. As I stated during the hearing to consider my nomination, the events of January 6, 2021 amounted to a terrible day for America.

2. Whenever a new sector of the economy sees rapid growth there are inevitably antitrust concerns and often times an overreaction. We saw this in the 1990's with the tech and computer sector. And we may see this again with the rise of AI.

RESPONSE: I agree with that general insight.

3. When it comes to antitrust and AI, what guiding principles will you use to make sure that DOJ takes a scalpel approach that addresses real issues while not stifling innovation?

RESPONSE: Antitrust is a blunt instrument that when wielded can often do more harm than good. If confirmed, I will work to ensure that the Division's work does not interfere with—and only encourages—American innovation and economic dynamism.

4. What are your thoughts regarding current and future competition within the media streaming space? Do you see the need for any changes within that space and if so, what are they?

RESPONSE: Media streaming is a rapidly changing and dynamic market. If confirmed, I will work to maintain this dynamism, while at the same time ensuring all applicable antitrust laws are vigorously enforced to protect Americans.

5. How will you ensure that your office operates independently from political influence, and that enforcement decisions are made based solely on the law and facts?

RESPONSE: If confirmed, the Antitrust Division will consult career attorneys and make all prosecutorial and investigatory decisions based on the facts and the law. In addition, I will consult career ethics officials and follow my ethical obligations.

6. Do you believe that size alone should be a determining factor in antitrust investigations, or should the focus be more on market behavior and consumer welfare?

RESPONSE: Antitrust law should never look to size alone in making determinations about how to use precious enforcement resources. The proper focus of antitrust enforcement is on conduct that is unlawful under the

antitrust goals with consumer welfare as its fundamental and guiding principle.

As you know, President Reagan established a media ownership cap in 1986, after which it was twice raised by Congress and enshrined in statute at 39% under the 2004 Appropriations Act.

7. Given this language, and the fact that only Congress has previously increased or modified the ownership cap, can the FCC unilaterally change the ownership cap?

RESPONSE: As General Counsel of the FCC, I provided confidential legal advice to the Commission. Due to my professional and ethical obligations, it would be inappropriate for me to discuss litigation strategy or legal advice.

8. Can this ownership cap be subverted through FCC merger-acquisition waivers?

RESPONSE: Please see my response to Question 7.

9. What role do these ownership caps have in helping Americans pay less for cable news?

RESPONSE: Please see my response to Question 7.

Nomination of David “Adam” Candeub
Nominee to be Assistant Attorney General for the Department of Justice Antitrust Division
Questions for the Record
Submitted August 13, 2026

QUESTIONS FROM SENATOR WHITEHOUSE

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

1. Shortly after you were nominated, Mike Davis tweeted, “Cheers to my friend and fellow Big Tech critic Adam Candeub . . . who President Trump picked to lead the Trump Justice Department’s Antitrust Division.”

- a. How do you know Mike Davis?

RESPONSE: He is an acquaintance of mine.

- b. Have you ever spoken with Davis about your nomination? If so, please describe the conversation(s) with specificity.

RESPONSE: No.

2. From 2021-2025, you were a senior fellow at Russell Vought’s Center for Renewing America.

- a. Who first approached you about that position?

RESPONSE: Russ Vought.

- b. Describe in detail the work you performed for that organization.

RESPONSE: I prepared policy papers and supported legislative work regarding certain priorities of the Center for Renewing America.

3. If Donald Trump asks you to do something illegal, will you do it?

RESPONSE: This is a hypothetical that I do not believe will occur. If I thought this was a possibility, I would not have accepted the nomination.

4. If Donald Trump asks you to investigate and sue his political enemies as retribution, even when there is no evidence of wrongdoing, will you do it?

RESPONSE: Please see my response to Question 3.

5. If Donald Trump asks you to forgo investigating his political allies, even when there is clear evidence of an antitrust violation, will you forgo the investigation and prosecution?

RESPONSE: Please see my response to Question 3.

Senate Judiciary Committee
Nomination Hearing
August 5, 2026
Questions for the Record
Senator Amy Klobuchar

For Adam Candeub, Nominee to be Assistant Attorney General for Antitrust, U.S. Department of Justice

1. The United States has long led the world in technological innovation because competition allows the most innovative ideas to disrupt markets and thrive. But some dominant technology platforms have used their position as gatekeepers to stifle competition through self-preferencing, hoarding user data, and restricting competitors from accessing users.

- Are you concerned that these same dynamics could make it more difficult for innovative startups to reach consumers and challenge entrenched incumbent companies?

RESPONSE: Yes. Antitrust law must always be sensitive to the possibility that gatekeepers in a variety of markets can exercise market power to stifle competition in numerous ways.

2. The Justice Department has not litigated a single challenge to a merger during this Administration.

- Will you seek to block mergers that may substantially lessen competition or tend to create a monopoly as required by the *Clayton Act* regardless of the preferences of others in the Administration?

RESPONSE: If confirmed, the Antitrust Division will comply with applicable law and guidance in order to encourage competition, protect consumers, and foster innovation.

- Outside of teaching, do you have any experience evaluating mergers under the *Clayton Act*?

RESPONSE: I have never worked in a government agency charged with evaluating mergers under the *Clayton Act*.

- Will you continue to follow the 2023 Merger Guidelines when evaluating mergers?

RESPONSE: If confirmed, the Antitrust Division will comply with applicable law and guidance in order to encourage competition, protect consumers, and foster innovation.

3. Justice Department leadership, including Associate Attorney General Stanley Woodward who oversees the Antitrust Division, have questioned the need for merger enforcement, reportedly directing staff to settle cases and avoid trials.¹ In your hearing, you said you intended to be “very cautious” in enforcing the antitrust laws.

- How does it serve consumers and protect competition to announce to corporate defendants that they won’t be taken to trial for anticompetitive behavior and that future antitrust enforcers under your leadership will be “very cautious”?

RESPONSE: There are many effective tools, including settlement and litigation, that serve valuable purposes in encouraging competition and fostering innovation in order to protect consumers.

4. Antitrust cases should be settled only on terms that benefit consumers and resolve the competitive issues in a given case. Unfortunately, the Justice Department has settled numerous cases based on political pressure rather than the law and the facts. As former Principal Deputy Assistant Attorney General Roger Alford said, “cases are being resolved based on political connections, not the legal merits.”

- Do you agree that antitrust cases should be resolved solely based on the law and the facts?

RESPONSE: Yes.

5. Attorney General Blanche said that it is President Trump’s “right” and “duty” to order the Justice Department to investigate perceived enemies.²

- Do you believe that the President has the right to order the Antitrust Division to investigate companies for antitrust violations on the basis that they do not support him or his policies?

RESPONSE: This question calls for a hypothetical situation that I do not believe will occur. If confirmed, the Antitrust Division will make prosecutorial and investigatory decisions based on the facts and the law.

¹ See Mattioli et al., *Top DOJ Official Tells Staff He Wants to Avoid Antitrust Trials*, Wall Street Journal (Jun. 25, 2026).

² Andrew Goudswaard, *Acting DOJ chief Blanche says Trump has ‘right’ to influence investigations*, Reuters (Apr. 7, 2025).

6. Courts are currently reviewing a number of antitrust settlements to determine whether they were made in the public interest or due to improper political influence. This includes the weak settlement with Live Nation-Ticketmaster that was agreed to after President Trump discussed the case with Live Nation's CEO. That settlement was rejected by a bipartisan coalition of 34 state attorneys general who went on to win the case at trial despite the Justice Department abandoning the case.

- Will you ensure that the Antitrust Division cooperates fully with the *Tunney Act* proceedings evaluating those settlements?

RESPONSE: If confirmed, the Antitrust Division will comply with applicable law.

- Will you commit that any settlement under your supervision will fully protect consumers by fully resolving all the antitrust issues in the case?

RESPONSE: Yes.

7. The Justice Department and state attorneys general sued RealPage for using algorithmic pricing tools to facilitate price fixing for rental properties across the country. In 2024, you authored a working draft of a white paper titled "Algorithmic Rental Pricing Programs Further Market Efficiency and Cannot Restrain Trade in Violation of the Antitrust Laws."

- Do you believe when centralized pricing companies use algorithmic pricing tools to raise prices on consumers that conduct "cannot restrain trade in violation of the antitrust laws"?

RESPONSE: This was a rough draft of a white paper that was ultimately never published. I decided not to publish the white paper due to information that I discovered during the course of my research.

**Nomination of Adam Candeub
to be Assistant Attorney General for the Antitrust Division
Questions for the Record
Submitted August 19, 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 Antitrust 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 a hypothetical that I do not expect to occur. If I thought this would occur, I would not have accepted the nomination.

- 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 response to Question 7.

8. If the Attorney General or another superior at 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 response to Question 7.

- a. If you would not resign even if the Attorney General or another superior at 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 response to Question 7.

9. The 22nd Amendment states: “No person shall be elected to the office of the President more than twice.”

- a. Was President Trump elected to the office of the President twice?

RESPONSE: Yes.

- b. If President Trump were elected again in 2028, how many times in total would he have been elected to the office of the President?

RESPONSE: Three.

- c. Is President Trump eligible to be elected President for a third term in 2028?

RESPONSE: No.

10. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

RESPONSE: It means that Congress certified a candidate as the winner of an election which, per the U.S. Constitution, is how a president is elected.

11. At your Senate Judiciary Committee hearing, Senator Blumenthal asked you who won the 2020 election. You replied that “the United States Congress certified Joseph Biden.”

- a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

RESPONSE: To prepare for the hearing, I used publicly available information, including watching prior hearings of other Departmental nominees and consulted other sources of information.

- b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election? If so, please explain. If not, please explain how you, without any outside input, made the decision to reply with who was *certified* the winner when asked about who *won* the 2020 election.

RESPONSE: Please see my response to Question 11.a.

- c. Do you believe that you would face any adverse professional consequences if you directly stated, during your hearing or otherwise on the record, that President Trump lost the 2020 election, or that President Biden won the 2020 election? Please explain.

RESPONSE: It is inappropriate for me to comment on hypothetical situations, and I am not aware of what adverse professional consequences I may have faced.

12. In response to a written question from Senator Booker about the Antitrust Division’s independence from the President, your predecessor Gail Slater stated, “The Antitrust Division is accountable to the President and works for the American people. Its Assistant Attorney General is not one of the president’s personal lawyers.” Do you agree?

RESPONSE: Yes.

13. In a February 2025 memo to all DOJ employees, former 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 former Attorney General Bondi?

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

- b. What does it mean to serve at the will and pleasure of the President?

RESPONSE: As a political appointee, it means the President – as head of the executive branch – could remove me or other political appointees at will.

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

RESPONSE: No.

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

RESPONSE: No.

- e. Who does the Antitrust Division work for?

RESPONSE: The Antitrust Division works for the United States and the American people.

14. I assume that if you are confirmed, you will ensure that any antitrust 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 Antitrust Division via social media, a press conference, or other means, to investigate, sue, and/or prosecute a political opponent? Explain.

RESPONSE: If confirmed, the Antitrust Division will make decisions regarding investigations and prosecutions based on the facts and the law. Article II of the Constitution gives the President the Executive power, making him the head of the Executive branch. The Department of Justice is part of the Executive branch.

- a. How would you respond to the President calling on the Antitrust Division 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: I respectfully reject the premise of this question. If confirmed, I will uphold my oath to support and defend the Constitution, and I would follow the law.

- b. How would you respond to the President calling on the Antitrust Division 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 14.a.

- 15. Can the Department of Justice bring antitrust enforcement actions, cancel such actions (including settling), or refuse to initiate such actions, to serve political purposes?

RESPONSE: Consistent with longstanding Department of Justice policies, I will make investigatory and prosecutorial decisions based on the facts, all applicable law, and the Justice Manual, along with the Principles of Federal Prosecution.

- a. How should an Assistant Attorney General determine if such actions are being brought, cancelled, or refused to serve political purposes?

RESPONSE: Please see my response to Question 15.

- b. If you determined that an action was being brought, cancelled, or refused to serve political purposes, what would you do next?

RESPONSE: Please see my response to Question 15.

- 16. 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 Antitrust Division to refuse to follow a directive of the President? Please include references to any specifically applicable provisions in your answer.

RESPONSE: If confirmed, and like all Justice Department lawyers, I will uphold my oath to support and defend the Constitution, and act in accordance with applicable laws, regulations, and the Justice Manual.

- 17. 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 Antitrust 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 16.

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

RESPONSE: Hon. J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit.

19. In response to my written question about safeguarding antitrust review from undue political influence, former Assistant Attorney General Gail Slater said, “If confirmed, I will ensure that all antitrust reviews, regardless of how high-profile they may be, are based on the facts and the law, and I will work to guard against any improper influences.” Will you make the same commitment?

RESPONSE: Yes.

20. If confirmed, what procedures would you put in place to avoid politicization of the Antitrust Division and ensure consultation with career staff?

RESPONSE: If confirmed, the Antitrust Division will consult career staff, as well as career ethics staff, and I will follow my ethical obligations.

21. At your Senate Judiciary Committee hearing, you told Senator Lee that you “hope to work with state attorney generals to have a coherent and consistent antitrust enforcement.”

- a. Please describe how, if confirmed, you plan to collaborate with state attorneys general on antitrust enforcement actions.

RESPONSE: Where permitted by law, I look forward to collaborating with state attorneys general if confirmed.

- b. Do you think the Antitrust Division’s current work with state attorneys general is “coherent and consistent”? If not, why not?

RESPONSE: I am not currently employed by the Antitrust Division, and I have no personal knowledge of the Division’s current work with state attorneys general.

22. What matter are you most proud of having worked on during your career?

RESPONSE: Bringing action against Blue Cross Blue Shield of Michigan to receive coverage for the non-hospital, midwife-attended births of my two daughters.

23. In a publicly available August 12, 2023, email, you responded to an article in which conservative scholars argued that President Trump was disqualified to serve as President under Section 3 of the Fourteenth Amendment because he participated in an insurrection or rebellion. You wrote: “There was no insurrection. There was a political demonstration to protest a crooked election that got out of control. Everything else is simply a A [*sic*] Democratic talking point. There’s no evidence of it. It is the preferred swamp dream of our liberal elites.”

- a. Do you still believe that the events of January 6, 2021, were simply a “political demonstration . . . that got out of control”?

RESPONSE: The protestors at the U.S. Capitol on January 6, 2021 got out of control and some of them broke the law, including committing violence against law enforcement officers and damage to property. I wholeheartedly condemn all violence against law enforcement and destruction of property. As I stated during the hearing to consider my nomination, the events of January 6, 2021 amounted to a terrible day for America.

- b. At your hearing, you referred to January 6, 2021, as “a terrible day for America.” Given your statement above, what did you mean when you said that January 6, 2021, was as “a terrible day for America”?

RESPONSE: I meant that the violence against law enforcement and the destruction of property in the U.S. Capitol during that day amounted to a terrible day for America.

- c. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

RESPONSE: The Constitution gives the President the power to pardon or commute the sentence of anyone convicted of a Federal crime. *See Trump v. United States*, 603 U.S. 593, 608 (2024).

- d. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

RESPONSE: Please see my response to Question 23.c.

24. I supported the nomination of former Assistant Attorney General Gail Slater, who advanced through this Committee by a vote of 20 to 2. But despite being a respected and experienced leader, Slater no longer leads the Antitrust Division; Associate Attorney General Stanley Woodward has been overseeing the Antitrust Division since June. Woodward has since told antitrust enforcers that he prefers they stop trying cases and instead seek to settle them. Do you agree with this strategy?

RESPONSE: I do not currently work for the Antitrust Division, and I have no personal knowledge of the purported strategy referenced above. Thus, it would be inappropriate for me to comment.

25. If confirmed, what would be your top three priorities for changes to make at the Antitrust Division?

RESPONSE: Continue the Antitrust Division's practice of careful application of law to facts in light of relevant economic principles; improve policies that protect competition and foster innovation; and encourage the highest levels of legal expertise through hiring top legal talent.

26. I believe that strong intellectual property protection promotes American innovation. At the same time, I have been concerned that our antitrust enforcement has not struck the proper balance between promoting competition and incentivizing innovation. What is your view on how these two interests should be balanced?

RESPONSE: The tension that can exist between ensuring allocative efficiency (i.e., competitive markets that put resources towards their highest-valued use, with prices tending towards marginal cost) and dynamic innovation (markets that maximize innovation) is central to intellectual property and antitrust policy. As is often claimed, monopoly profits drive dynamic efficiency by providing incentives for risk-taking by firms seeking those monopoly profits. In an analogous way, intellectual property rights offer potentially valuable exclusive rights, i.e., patents or copyrights—which often spur innovation but can also diminish competition. Getting to the “right answer,” to the degree it can be ascertained in any particular policy situation, requires careful attention to the facts of the case, the nature of the market at issue, and the best possible predictions about the market's likely development.

27. In April 2023, the European Union announced a proposed regulation that would have given standard essential patent (SEP) regulatory power to the EU Intellectual Property Office (IPO). While the proposal may have increased transparency and predictability to SEP licensing, it may have also resulted in anticompetitive behavior. The EU proposal was withdrawn from consideration on February 11, 2025. Can you discuss your views on government regulation of SEPs?

RESPONSE: I am concerned about developments in intellectual property that go beyond protecting strong IP rights and cross into anticompetitive behavior. In addition, I am concerned that EU regulation, through the so-called “Brussels effect,” can become *de*

facto regulation of American firms. If confirmed, I intend to look carefully into all options the Antitrust Division has in countering any anticompetitive effect SEP licensing presents and commit to working with your office on this issue.

28. According to a publicly available February 25, 2025, internal FCC email, you were asked to serve on the FCC's "DOGE" team. Please explain the nature and extent of your involvement with this team.

RESPONSE: As General Counsel of the FCC, my work with the DOGE team consisted primarily of ensuring the team's proper onboarding and receipt of FCC computers.

29. As a sponsor of the *NO BAN Act*, I am deeply concerned that you have written two articles in *VDARE* staunchly defending President Trump's Muslim travel ban. According to your Senate Judiciary Questionnaire that you prepared and submitted, these articles you authored are a March 31, 2017, article called "Shabbat Meditation: Immigration And Three Twitchy Jewish Nerves" and a May 25, 2017, article called "Fourth Circuit Bobos Put Judiciary On Collision Course With America."

- a. In the article titled "Shabbat Meditation: Immigration And Three Twitchy Jewish Nerves," you wrote that "Muslim immigrants and their children seem prone not only to terrorism but to cultural separatism." What did you mean by this statement, and do you stand by it?

RESPONSE: That article was written in defense of the first Trump Administration's travel ban from certain countries in order to protect the nation from terrorism.

- A) Why does the current version of this article on *VDARE*'s website credit the author as "Judd Benjamin" and not you?

RESPONSE: I do not know.

- b. In the article titled "Fourth Circuit Bobos Put Judiciary On Collision Course With America," you heavily criticized the Fourth Circuit's decision "basically blocking President Trump's revised travel ban." You wrote that "[t]he bobo judge, on the other hand, rejects this easy, clear legal logic [that supports the travel ban] because he dare not give off the slightest odor of parochialism or crude nationalism. The bobo judge's refined sensibility allows him an exquisite appreciation of other cultures and a noble appreciation of their members' pain." You went on to say, "the feelings of the multiculturally sensitive . . . must guide American foreign policy and immigration. This is the reasoning of a bobo who believes that demonstrating one's 'openness' to different cultures and societies is more important than protecting one's own. . . . It is better to welcome killer immigrant terrorists than show oneself bound by nationalism's 'morally arbitrary' boundaries or, worse, share beliefs with those who lack college degrees, rarely visit Whole Foods, don't feel a close, personal connection with NPR's Terry

Gross—and, above all, vote for Donald Trump.” Do you stand by these statements?

RESPONSE: Please see my response Question 29.a.

30. At your Senate Judiciary Committee hearing, senators questioned you about your public statements—including the above—which I am concerned demonstrate that you lack the judgment necessary to make impartial decisions in this important role.

- a. Have you made any public statements that you think reflect poor judgment on your part? If so, which ones?

RESPONSE: No.

- b. Have you made any public statements that you regret making? If so, which ones?

RESPONSE: Please see my response to Question 30.a.

- c. Have you made any public statements for which you would like to apologize? If so, which ones?

RESPONSE: Please see my response to Question 30.a.

31. You note in your Senate Judiciary Questionnaire that you served as a Deputy Associate Attorney General at the Department of Justice from December 2020 to January 2021. What was the nature of your work and responsibilities in this role?

RESPONSE: I assisted the Acting Associate Attorney General in her duties.

Questions for the Record for David Adam Candeb
Submitted by Senator Richard Blumenthal
August 12, 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: If confirmed, I will make investigatory and prosecutorial decisions based on the facts and the law.

- 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: If confirmed, I intend to follow the Justice Manual, consult career ethics officials, and follow my ethical obligations.

- 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 follow all applicable federal laws and Department of Justice policies and procedures regarding ethics obligations. Where necessary and appropriate, I will consult with the Department's career ethics officials and follow the guidance of those officials.

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

RESPONSE: Please see my response to Question 1.b.

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: Consistent with longstanding Department of Justice policies, I will make investigatory and prosecutorial decisions based on the facts, all applicable law, and the Justice Manual.

- 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 1.b.

- 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: Please see my response to Question 1.b.

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

RESPONSE: Please see my response to Question 1.b.

- 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 1.b.

- 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 1.b.

- 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 1.b.

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

- 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: Please see my responses to Questions 1 and 2.

- 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: Please see my responses to Questions 1 and 2.

- 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: Yes.

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

RESPONSE: Yes.

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

RESPONSE: Yes.

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

RESPONSE: Yes.

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

RESPONSE: Yes.

- 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: All investigations conducted by the Antitrust Division are to be conducted in a full and fair manner consistent with ethical and professional responsibility obligations, as well as Department policies.

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: I will be responsive to congressional oversight requests consistent with applicable laws and Department policies.

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

RESPONSE: I commit that the Antitrust Division will follow Department of Justice policies regarding internal controls and oversight mechanisms on prosecutorial misconduct.

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

RESPONSE: The Antitrust Division will afford federal employees who report misconduct or raise legitimate concerns the protections afforded to them under 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: Yes.

- 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.

- 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: The Constitution gives the President the power to pardon or commute the sentence of anyone convicted of a Federal crime. *See Trump v. United States*, 603 U.S. 593, 608 (2024).

- 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 11.a.

- 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 11.a.

- 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 11.a.

- 12. In a sworn deposition, a former senior official at the Antitrust Division stated that Mike Davis—a conservative lawyer, lobbyist, and fixer-for-hire—told then-Assistant Attorney General for Antitrust Gail Slater that if she didn’t approve a settlement for one of his clients, he would “destroy” her. Shortly thereafter, Ms. Slater was indeed fired. Mr. Davis then boasted publicly about his role in securing Ms. Slater’s termination.

There is reason to believe that you have been nominated for this position due, at least in part, to similar political interference by Mr. Davis. The *New York Times* reported in late June that the President planned to nominate you for this role. A few days later, according to *Politico*, you celebrated the Fourth of July at a barbeque hosted by Mr. Davis at his home.

- a. How would you characterize your relationship with Mr. Davis?

RESPONSE: He is an acquaintance.

- b. Do you consider Mr. Davis to be a friend?

RESPONSE: Please see my response to Question 12.a.

- c. If confirmed, how will you protect the Antitrust Division against Mr. Davis's corruption of the rule of law?

RESPONSE: Please see my response to Question 1.

13. The Department of Justice and a large, bipartisan coalition of state attorneys general sued Live Nation for monopolization under Section 2 of the Sherman Act. Yet, ultimately, the then-Assistant Attorney General for Antitrust leading the case, Gail Slater, was fired, and the White House forced the Antitrust Division to settle the case after Live Nation hired Mike Davis as its lobbyist. More than 30 states refused to sign this sham settlement and continued to fight. Those states then won a decisive victory against Live Nation.

- d. If confirmed, do you commit to telling this Committee if you or the staff attorneys at the Antitrust Division face pressure or interference from the White House, Mr. Davis, or others like him, on whether or how to enforce the antitrust law?

RESPONSE: Please see my response to Questions 1 and 7.

- e. The judge overseeing the Live Nation case is now reviewing the proposed settlement under the Tunney Act.
 - i. If confirmed, do you commit that the Justice Department will not try to withhold any witnesses or evidence in that proceeding?

RESPONSE: The Antitrust Division will follow applicable law and Department of Justice policies.

- f. Court filings and public reporting indicate that President Trump spoke about the Live Nation lawsuit with interested parties—including Live Nation's CEO and a former Live Nation board member—and subsequently pressured DOJ to settle the case. Well-connected MAGA lobbyists, including Mike Davis, also reportedly pressed for a settlement.
 - i. If confirmed, what guardrails will you set to prevent outside influence—from the political leadership of the Department, the White House, or those outside government—from unduly shaping antitrust enforcement decisions?

RESPONSE: Please see my response to Question 1.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for David Adam Candeub

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

RESPONSE: No.

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

RESPONSE: No.

2. In August 2024, on the Tammy Peterson podcast, you shared that you have told your daughters “go to college and have a career, but it’s really important that you try to get married in your twenties” because friends of yours who are women who focused on their careers “ended up very unhappy behaving what is most important in life . . . having a family, they are not in a position to have.” As Assistant Attorney General, you would supervise many dedicated women. **Will you view those women working for you who prioritize their legal careers in their 20s and 30s as inherently misguided?**

RESPONSE: No.

3. In August 2023, in an email to a colleague regarding attempts to disqualify President Trump from the ballot under the Fourteenth Amendment’s Disqualification Clause, you wrote regarding the January 6th attack on the Capitol: “There was no insurrection. There was a political demonstration to protest a crooked election that got out of control. Everything else is simply a Democratic talking point.” **In what way was the 2020 election, to use your word, “crooked”?**

RESPONSE: I believed the election was crooked due to big tech censoring certain news stories and information that benefited one candidate at the expense of the other.

4. Last month, *Bloomberg Law* reported that Associate Attorney General Stanley Woodward, who would be your boss if confirmed as AAG, “has questioned why the DOJ can’t simply stop reviewing deals.” **What, if anything, prevents the Department of Justice from simply declining to review proposed mergers?**

RESPONSE: I am not currently employed by the Antitrust Division, so I do not have personal knowledge of the statement referenced in the question. If confirmed, the Antitrust Division will uphold the law.

**Nomination of Adam Candeub to be
Assistant Attorney General, Antitrust Division, U.S. Department of Justice
Questions for the Record
Submitted August 19, 2026**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. In his remarks at Mobile World Congress in Barcelona, Spain on March 3, 2026, Federal Communications Commission (FCC) Chairman Brendan Carr described Paramount Skydance's proposal as "cleaner" than Netflix's proposed acquisition of Warner Bros. and predicted it would be approved "pretty quickly."¹ He further characterized the FCC's role as "minimal" and described the foreign investment component as warranting only a "very quick, almost pro forma review."² This statement is concerning given Paramount formally disclosed to the Commission that approximately 49.5 percent of the combined Paramount-Warner Bros. Discovery entity would be owned by foreign investors,³ nearly double the statutory threshold prohibiting foreign entities from holding more than 25 percent equity or voting interest in a U.S.-organized entity that controls an FCC-issued license without prior Commission approval.⁴ Additionally, these foreign investors include the sovereign wealth funds of Saudi Arabia (Public Investment Fund), Qatar (Qatar Investment Authority), and Abu Dhabi (L'imad Holding Company/Abu Dhabi Investment Authority);⁵ and, potentially, Chinese state-linked technology conglomerate Tencent Holdings⁶—countries with a shared record of censorship and press suppression complex and sometimes competing relationships with the United States. Paramount's public characterization of its FCC filing as *not* a condition of closing and stated intent to close the deal before the Commission's Section 310(b)(4) review is completed poses a serious security risk and is contradicted by statute.⁷

¹ Sawdah Bhaimiya, *FCC Chief Tells CNBC WBD-Paramount Merger Deal Is 'Cleaner' than Netflix's, Will Be Approved 'Quickly'*, CNBC (Mar. 3, 2026), <https://www.cnbc.com/2026/03/03/fcc-chair-brendancarr-wbd-paramount-merger-deal-netflix.html>.

² Jon Brodtkin, *FCC Chair Calls Paramount/WBD Merger "A Lot Cleaner" than Defunct Netflix Deal*, ARS TECHNICA (Mar. 3, 2026, at 5:05 PM), <https://arstechnica.com/tech-policy/2026/03/trump-fcc-chair-paramountwarner-bros-merger-likely-to-get-quick-approval/>.

³ Paramount Global, Petition for Declaratory Ruling, at 14, MB Docket No. 26-93 (Apr. 24, 2026), <https://www.fcc.gov/ecfs/document/104272462615916/1>.

⁴ Section 310(b)(4) of the Communications Act.

⁵ Warner Bros. Discovery, Inc., Solicitation/Recommendation Statement Under Section 14(D)(4) of the Securities Exchange Act Of 1934 (Amendment No. 3) (Form 14D-9) (Jan. 7, 2026), <https://www.sec.gov/Archives/edgar/data/1437107/000119312526005426/d75660dsc14d9a.htm>.

⁶ Elaine Kurtenbach, *Paramount Says China's Tencent Withdrew From Its Warner Bros Bid To Avert National Security Issues*, AP (Dec. 10, 2025), <https://apnews.com/article/china-paramount-warner-netflix-tencenteb3b4b18e67438d7633e5c4a1ec227c1>; Dong Cao & Manuel Baigorri, *Tencent Is Said to Be Back on Paramount-Warner Bros Deal With Fresh Funding*, BLOOMBERG (Mar. 8, 2026), <https://www.bloomberg.com/news/articles/2026-03-09/tencent-issaid-to-be-back-on-paramount-warner-bros-deal-with-fresh-funding>.

⁷ Jody Godoy & David Shepardson, *Paramount Seeks FCC Approval for Foreign Investors Backing Warner Bros Acquisition*, U.S. NEWS & WORLD REPORT (Apr. 27, 2026), <https://money.usnews.com/investing/news/articles/2026-04-27/paramount-seeks-fcc-approval-for-foreign-investors-helping-fund-warner-bros-acquisition>.

- a. As General Counsel for the FCC, what role did you play in the review of the Paramount-Warner Bros. merger?

RESPONSE: As General Counsel of the FCC, I provided confidential legal advice to the Commission. Due to my professional and ethical obligations, it would be inappropriate for me to discuss litigation strategy or legal advice.

- b. Please explain your understanding of Section 310(b)(4) of the Communications Act and how it operates.

RESPONSE: Section 310(b)(4) establishes a twenty-five percent benchmark for investment by foreign individuals, governments, and corporations in U.S.-organized entities that directly or indirectly control a U.S. broadcast, common carrier, or aeronautical radio station licensee. The Commission may grant a request from a foreign individual, government, or entity to own, directly or indirectly, more than twenty-five percent (and up to one hundred percent) of the stock of a U.S.-organized entity that holds a controlling interest in a common carrier or aeronautical radio licensee, unless the Commission finds that such foreign ownership would not serve the public interest.

- c. In your understanding, what are the responsibilities of the FCC in reviewing mergers like Paramount-Warner Bros.?

RESPONSE: Like any merger, to the degree the merger in question presents issues the FCC is required by law to resolve, the FCC must apply the law to the facts.

- d. Did you or Chairman Carr consult with any FCC staff attorney on the Paramount-Warner Bros. merger and the related Section 310(b)(4) review?

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

- e. On June 18, 2026, my colleagues Senators Schiff, Warren, and I sent a letter to FCC Chair Carr urging him to issue formal notice to Paramount that the transaction may not close while the Commission's Section 310(b)(4) review is pending, among other demands.⁸ We have yet to receive a response to the letter.

- i. Why will the FCC not issue formal notice to Paramount to pause the transaction until the Commission's Section 310(b)(4) review is completed?

⁸ Letter from Cory A. Booker, U.S. Senator, et al. to Brendan Carr, Chairman, Fed. Communications Comm'n (Jun. 18, 2026), <https://www.schiff.senate.gov/wp-content/uploads/2026/06/lettertofccchaircarrforeignfundinginparamounttwbdmerge.pdf>.

What is the legal basis for allowing the Paramount-Warner Bros. merger to proceed while the Commission's Section 310(b)(4) review is ongoing?

RESPONSE: This question pertains to ongoing litigation, and as such it would be inappropriate for me to comment. Please also see my response to Question 1.a.

- ii. What is the current status of the Commission's Section 310(b)(4) review of the Paramount-Warner Bros. merger? Now that the merger has been paused until 2027, will the review be completed before next year?

RESPONSE: Please see my response to Question 1e(i).

- iii. If you are confirmed to be Assistant Attorney General for the Antitrust Division, will you commit to responding to all letters sent by my office and colleagues?

RESPONSE: If confirmed, I will be responsive to such requests consistent with applicable laws and Department policies.

- 2. On July 15, 2026, ProPublica reported that FCC Commissioner Olivia Trusty accepted tickets valued at more than \$12,000 to the Kennedy Center's annual honors gala in December 2025, gifted to her by Paramount.⁹ This was just five months after Commissioner Trusty casted a decisive vote allowing Paramount's \$8 billion merger with Skydance Media to move forward.¹⁰ FCC Chair Carr attended the gala as well, sitting in a private skybox with Paramount's CEO David Ellison and other company executives after accepting tickets from the very same company with a \$110 billion merger before his Commission for review.¹¹ These seats were valued at \$125,000 per ticket but Carr disclosed in his financial statement that the ticket he accepted from Paramount was worth only \$12,390.¹² In response to these clear conflicts of interest by Carr and Trusty, Citizens for Responsibility and Ethics in Washington (CREW) filed a complaint with the FCC's Office of Inspector General to investigate whether Chairman Carr and Commissioner Trusty were authorized to accept these reported gifts from Paramount.¹³ This incident happened not long after it was reported that Acting Attorney General Todd

⁹ Corey G. Johnson, *FCC Officials Took Pricey Gifts From Paramount as the Company Needed Approval for Billion-Dollar Deals*, PROPUBLICA (Jul. 15, 2026), <https://www.propublica.org/article/paramount-mergers-fcc-kennedy-center-gala>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Corey G. Johnson, *FCC Commissioners Face Ethics Complaints for Taking Luxury Gifts from Paramount*, PROPUBLICA (Aug. 3, 2026), <https://www.propublica.org/article/fcc-paramount-gifts-brendan-carr-ethics-complaint-warner-bros-merger>.

¹³ Letter from Donald K. Sherman, President, CREW, to Fara Damelin, Fed. Communications Comm'n Off. Inspector Gen. (Jul. 16, 2026), <https://www.citizensforethics.org/wp-content/uploads/2026/07/FCC-IG-letter-re-Commissioners-acceptance-of-gifts-from-Paramount-7.16.26.pdf>.

Blanche attended a dinner organized by Paramount in honor of President Trump on the day Paramount shareholders voted to approve the merger with Warner Bros.¹⁴

- a. Do federal ethics rules ban employees from taking gifts from any entity that does business with, is regulated by, or seeks official action from, their agency? Please identify the relevant legal authority.

RESPONSE: The Code of Federal Regulations governing when federal employees can accept gifts speaks for itself.

- b. Did the FCC's Office of Inspector General open an investigation into whether Chairman Carr and Commissioner Trusty were authorized to accept their gifts from Paramount? If not, please explain why.

RESPONSE: As General Counsel of the FCC, I provided legal advice to the Commission. Due to my professional and ethical obligations, I cannot comment regarding the existence of an investigation.

- c. Do you agree that it is important for federal employees to avoid the appearance of impropriety?

RESPONSE: Yes.

- d. If you are confirmed to be Assistant Attorney General for the Antitrust Division, will you accept gifts from any party that has business with, is regulated by or seeks official action from the Department of Justice?

RESPONSE: I will follow all applicable federal laws and Department of Justice policies and procedures regarding ethics obligations. Where necessary and appropriate, I will consult with the Department's career ethics officials and follow my ethical obligations.

3. In September 2025, after late night host Jimmy Kimmel made comments on his show *Jimmy Kimmel Live!* about the murder of Charlie Kirk, FCC Chairman Carr slammed Kimmel and threatened punitive action against the stations carrying his show saying: "We can do this the easy way or the hard way. These companies can find ways to change conduct and take action, frankly, on Kimmel, or there's going to be additional work for the FCC ahead."¹⁵

- a. Did Chairman Carr consult with you or anyone else at the FCC before making these comments?

¹⁴ Michael M. Grynbaum, *Paramount Throws Party for Trump as It Awaits Approval of Warner Bros. Deal*, N.Y. TIMES (Apr. 24, 2026), <https://www.nytimes.com/2026/04/24/business/media/david-ellison-trump-cbs-news.html>.

¹⁵ Gene-Maddaus, *FCC Chairman Threatens ABC Over Jimmy Kimmel's Remarks About Charlie Kirk's Killer*, VARIETY (Sep. 17, 2025), <https://variety.com/2025/tv/news/brendan-carr-abc-fcc-jimmy-kimmel-charlie-kirk-1236522406/>.

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

- b. Did you or Chairman Carr communicate with Disney, the owner of ABC which aired *Jimmy Kimmel Live!*, regarding Jimmy Kimmel's remarks about Charlie Kirk?

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

- c. Hours after Chairman Carr's remarks, Sinclair Broadcast Group announced its ABC-affiliated stations would preempt *Jimmy Kimmel Live!*¹⁶ Did you or Chairman Carr communicate with Sinclair about preempting *Jimmy Kimmel Live!* in relation to Jimmy Kimmel's remarks about Charlie Kirk?

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

- d. Like Sinclair, Nexstar Media Group announced that its ABC-affiliated stations would preempt *Jimmy Kimmel Live!*¹⁷ Did you or Chairman Carr communicate with Nexstar about preempting *Jimmy Kimmel Live!* or potential FCC action concerning Nexstar's acquisition of Tegna Inc., in relation to Jimmy Kimmel's remarks about Charlie Kirk?

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

- 4. During Senator Kennedy's questioning of you at the nominations hearing he asked, "What business it is of the FCC if a television network criticizes a political figure?" Your reply that, "as general counsel of the Federal Communications Commission, I don't think it would be appropriate to venture into that issue" was nonresponsive and deeply unsatisfying.

- a. What constraints can the FCC impose on over-the-air broadcasts by local TV and radio stations?

RESPONSE: The FCC regulates broadcast and radio stations under the public interest standard.

¹⁶ Press Release, Sinclair Broadcast Group, *Sinclair Says Kimmel Suspension is Not Enough, Calls on FCC and ABC to Take Additional Action* (Sep. 17, 2025), <https://sbgi.net/sinclair-says-kimmel-suspension-is-not-enough-calls-on-fcc-and-abc-to-take-additional-action/>.

¹⁷ Press Release, Nexstar Media Group, *Nexstar ABC Affiliates to Preempt "Jimmy Kimmel Live!" Indefinitely Beginning Tonight* (Sep. 17, 2025), <https://www.nexstar.tv/nexstar-abc-affiliates-to-preempt-jimmy-kimmel-live-indefinitely-beginning-tonight/>.

- b. Does the Commission have the power to regulate the content on broadcast TV?

RESPONSE: The public interest standard places certain content requirements on broadcasters.

- c. Senator Kennedy said that “you’re getting into the foothills of violating the First Amendment.” Do you agree? If not, please explain why.

RESPONSE: I agree that Senator Kennedy correctly highlighted that the FCC must be mindful of not violating the First Amendment.

5. Chairman Carr has criticized and threatened to revoke broadcasters’ licenses over their coverage of the war with Iran, accusing them of “running hoaxes and news distortions” and warning them to “correct course before their license renewals come up.”¹⁸

- a. Under what circumstances may the FCC revoke a broadcast license?

RESPONSE: If the Commission determines that a broadcaster has failed to meet the public interest standard, the Commission may do so under certain circumstances.

- b. Does the FCC have the authority to revoke a broadcast license if its Chairman disagrees with their coverage?

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

6. September 18, 2025, interview with CNBC’s “Squawk on the Street,” one day after *Jimmy Kimmel Live!* was suspended, Chairman Carr said that “we’re not done yet” with the changes in “the media ecosystem” and emphasized that the FCC’s goal and obligation is “to make sure that broadcasters are serving the public interest.”¹⁹

- a. You testified in your nomination hearing that the public interest standard is “the judgment of the FCC and following precedent and following the law.” Please explain further your understanding of what the public interest standard is. What “precedents” and “laws”—which you cited in your hearing answer—are factored into the “judgment of the FCC?”

RESPONSE: The Supreme Court has upheld the public interest standard in numerous opinions. The rules set forth in these opinions guide the FCC’s judgment. *See, e.g., FCC v. WNCN Listeners Guild*, 450 U.S. 582 (1981); *FCC v. Pacifica Found.*, 438 U.S. 726 (1978); *FCC v. Nat’l Citizens Comm. for Broad.*,

¹⁸ Ashley Ahn, *F.C.C. Chair Threatens to Revoke Broadcasters’ Licenses Over War Coverage*, N.Y. TIMES (Mar. 14, 2026), <https://www.nytimes.com/2026/03/14/world/middleeast/fcc-broadcasters-iran-war.html>.

¹⁹ Dan Mangan, *FCC Chair Carr says ‘we’re not done yet’ after Jimmy Kimmel suspension by ABC*, CNBC (Sep. 18, 2025), <https://www.cnbc.com/2025/09/18/jimmy-kimmel-charlie-kirk-fcc-carr.html>.

436 U.S. 775 (1978); *CBS, Inc. v. Democratic Nat'l Comm.*, 412 U.S. 94 (1973); *Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969); *NBC v. United States*, 319 U.S. 190 (1943); *FCC v. Pottsville Broad. Co.*, 309 U.S. 134 (1940).

- b. How is the suspension of *Jimmy Kimmel Live!* consistent with your understanding of the public interest standard?

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

- 7. In 2019, then Commissioner Carr tweeted “Should the government censor speech it doesn’t like? Of course not. The FCC does not have a roving mandate to police speech in the name of the “public interest.”²⁰

- a. Do you agree with his position in 2019?

RESPONSE: Absent additional context of the post, I do not think it would be appropriate to speculate about what Chairman Carr’s position may have been in 2019.

- b. How is Carr’s position in 2019 consistent with his current stance?

RESPONSE: Please see my response to question 7.a.

- 8. Many have criticized Chairman Carr’s comments as unconstitutional coercion, threats to free speech, and government overreach. The FCC has received more complaints about Jimmy Kimmel’s suspension than about his Charlie Kirk remarks.²¹ These critics include many Republicans. Senator Rand Paul said that Chairman Carr’s threats to take action against Disney were “absolutely inappropriate,” and that he [Chairman Carr] “got no business weighing in on [Jimmy Kimmel’s suspension].”²² Senator Ted Cruz went even further, likening Chairman Carr to the mafioso from “Goodfellas” and calling what he said “dangerous as hell.”²³

- i. Do you agree with Senators Paul and Cruz that Chairman Carr’s comments were highly inappropriate?

²⁰ Brendan Carr (@BrendanCarrFCC), X (Feb. 14, 2019), <https://x.com/BrendanCarrFCC/status/1096062915201953795?lang=en>.

²¹ Judy Kurtz, *FCC Got More Complaints About Jimmy Kimmel’s Suspension than About his Charlie Kirk Remarks*, HILL (Feb. 24, 2026), <https://thehill.com/blogs/in-the-know/5752873-fcc-complaints-jimmy-kimmel-charlie-kirk-abc-carr/>.

²² Megan Brand, *Sen. Rand Paul says FCC Chair’s Comments Threatening ABC over Jimmy Kimmel Were ‘Absolutely Inappropriate’*, NBC NEWS (Sep. 21, 2025), <https://www.nbcnews.com/politics/congress/rand-paul-fcc-chair-comments-absolutely-inappropriate-jimmy-kimmel-rcna232703>.

²³ Megan Mineiro, *Cruz Likens F.C.C. Chair’s ‘Threat’ to that of a Mafia Boss*, N.Y. TIMES (Sep. 19, 2025), <https://www.nytimes.com/2025/09/19/us/politics/ted-cruz-fcc-abc-jimmy-kimmel.html>.

RESPONSE: Absent additional context, I do not think it would be appropriate to speculate about what their concerns may have been.

9. In your nomination hearing, Senator Welch asked you, “if there was a chilling effect on political speech if the agency that has the capacity to take away a license decides to open an investigation.” Your answer was non-responsive, so I want to address it here.
- a. Should a person be subject to governmental action because a government agency or the U.S. President does not like the opinion they are expressing?

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

- b. Do you acknowledge that when an agency—with the power to take away a broadcaster’s license—decides to open an investigation, would it not likely have a chilling effect on the broadcaster’s speech?

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

- c. Would it be acceptable for a Democratic FCC Chairperson to make those comments about conservative TV broadcast shows like Sean Hannity’s or try to shut them down in the name of “public interest”?

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

10. Since the suspension of *Jimmy Kimmel Live!*, Federal Communications Commission Chairman Brendan Carr has continued his campaign against “liberal bias” in broadcast media.²⁴ In January 2026, Chairman Carr issued regulatory guidance directing broadcasters to provide political candidates with equal time on morning and late-night shows.²⁵ The FCC opened a probe into *The View* after the show interviewed Texas U.S. Senate candidate James Talarico²⁶ and CBS subsequently blocked *The Late Show with Stephen Colbert* from airing its interview with U.S. Senate candidate James Talarico.²⁷

- a. Please explain your understanding of the equal-time rule with the relevant legal authority.

RESPONSE: Under Section 315 of the Communications Act, if any broadcast licensee permits any person who is a legally qualified candidate for any public

²⁴ Cecilia Kang, *Brendan Carr Plans to Keep Going After the Media*, N.Y. TIMES (Sep. 24, 2025), <https://www.nytimes.com/2025/09/24/technology/brendan-carr-fcc-kimmel.html>.

²⁵ Public Notice, FED. COMMUNICATIONS COMM’N, *FCC’S MEDIA BUREAU PROVIDES GUIDANCE ON POLITICAL EQUAL OPPORTUNITIES REQUIREMENT FOR BROADCAST TELEVISION STATIONS* (Jan. 21, 2026), <https://docs.fcc.gov/public/attachments/DA-26-68A1.pdf>.

²⁶ Tara Suter, *FCC opens probe into ABC’s ‘The View’ after James Talarico interview: Reports*, HILL (Feb. 2, 2026), <https://thehill.com/homenews/media/5728540-equal-time-rule-fcc-the-view/>.

²⁷ John Koblin, *Colbert Says CBS Pulled Senate Candidate Interview*, N.Y. TIMES (Feb. 17, 2026), <https://www.nytimes.com/2026/02/17/business/media/colbert-cbs-fcc-talarico-carr.html>.

office to use a broadcasting station, such broadcast licensee must afford equal opportunities to all other such candidates for that office in the use of such broadcasting station.

- b. As General Counsel for the FCC, what role did you play in Chairman Carr's issuance of the January 2026 equal-time guidance? Did Carr consult you or anyone at the FCC before he made the equal-time announcement?

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

- c. Similarly, what role did you play in the Commission's decision to open a probe into *The View*?

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

- d. Did you or Chairman Carr communicate with CBS about blocking *The Late Show with Stephen Colbert* from airing its interview with U.S. Senate candidate James Talarico?

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

- e. In February 2026, as Chairman Carr targeted late-night and daytime TV shows, he announced that he was not enforcing the equal-time rule against radio stations, stating: "There wasn't a relevant precedent that we saw that was being misconstrued on the radio side."²⁸

Why would the equal-time rule apply to late-night and daytime TV but not to radio stations?

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

11. On April 28, 2026, the FCC ordered a review of all station licenses owned by ABC—an unprecedented move.²⁹ The Commission said in a filing that the action was related to an investigation into ABC's diversity and inclusion policies,³⁰ but it came after President Trump called for Jimmy Kimmel to be fired for jokes Kimmel made about Melania Trump just prior to the White House Correspondents' Association Shooting incident.³¹

- a. What authority does the FCC have to consider a review of a broadcasters' station licenses? Please provide legal authority with your explanation.

²⁸ John Hendel, *Talk radio isn't a target of FCC's 'equal time' notice, Brendan Carr says*, POLITICO (Jan. 29, 2026), <https://www.politico.com/news/2026/01/29/talk-radio-isnt-a-target-of-fccs-equal-time-memo-brendan-carr-says-00755660>.

²⁹ Jim Rutenberg & John Koblin, *F.C.C. Orders a Review of ABC's Broadcast Licenses*, N.Y. TIMES (Apr. 28, 2026), <https://www.nytimes.com/2026/04/28/business/media/fcc-abc-television-kimmel.html>.

³⁰ *Id.*

³¹ *Id.*

RESPONSE: The FCC has legal authority to review broadcasters’ licenses under the Communications Act of 1934.

- b. Did you or Chairman Carr communicate with the White House or President Trump about reviewing all station licenses owned by ABC?

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

- c. In April 2026, the FCC forced eight Disney-owned ABC stations into an unprecedented early license renewal.³² ABC filed its renewal applications “under protest” the following month, claiming the action is unconstitutional retaliation for network coverage.³³ Disney has since accused Chairman Carr of attempting to “censor” ABC and has called the Commission to dismiss its early renewal license review.³⁴

Did you or Chairman Carr communicate with the White House or President Trump about the early license renewal for the eight Disney-owned ABC stations?

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

12. On July 23, 2026, the Department of Justice Antitrust Division announced a change in policy, reinstating targeted Second Request investigations.³⁵ This announcement includes the introduction of an “Expedited Consideration” option that, according to the DOJ, would “allow for quicker and more efficient review of proposed transactions” filed under the Hart-Scott-Rodino (HSR) Act.³⁶ The DOJ also published a revised model timing agreement designed to significantly reduce the burden and scope of Second Requests.³⁷

- a. Please explain your understanding of this policy change by the DOJ Antitrust Division and how it would impact the merger review process.

RESPONSE: I was not working at the Antitrust Division on July 23, 2026, and I am not currently working in the Antitrust Division; however, if confirmed, the Antitrust Division will, consistent with the longstanding Department of Justice

³² Chloe Melas & Daniel Arkin, *FCC Directs Disney-owned TV Stations to File Early License Renewals*, NBC NEWS (Apr. 28, 2026), <https://www.nbcnews.com/news/us-news/fcc-direct-disney-owned-tv-stations-file-early-license-renewals-source-rcna342507>.

³³ Samantha Masunaga, *ABC Files Applications ‘Under Protest’ for Early Renewal of TV Station Licenses*, L.A. TIMES (May 28, 2026), <https://www.latimes.com/entertainment-arts/business/story/2026-05-28/abc-fcc-legal-fight-early-license-renewal>.

³⁴ Sydney Carruth, *ABC Condemns Trump Administration Over FCC’s Review of TV Licenses*, MS NOW (Jul. 30, 2026), <https://www.ms.now/news/abc-fcc-trump-brendan-carr-tv-licenses>.

³⁵ Press Release, U.S. Dep’t of Justice, *Justice Department Resumes Targeted HSR Merger Review Process* (Jul. 23, 2026), <https://www.justice.gov/opa/pr/justice-department-resumes-targeted-hsr-merger-review-process>.

³⁶ *Id.*

³⁷ See Model Timing Agreement, U.S. Dep’t of Justice (Jul. 2026), <https://www.justice.gov/atr/media/1453731/dl?inline>.

policies, make investigatory decisions based on the facts, all applicable law, and the Justice Manual.

- b. DOJ officials have emphasized that Expedited Consideration may not be appropriate for every transaction and will be determined on a case-by-case basis. What factors will you consider when deciding if Expedited Consideration is justified?

RESPONSE: Please see my response to Question 12.a.

- c. For transactions that are granted Expedited Consideration, once the parties certify completion of Priority Production, the DOJ's senior leadership must meet within 21 days and, within 14 days of that meeting, decide whether to "(1) close the investigation or provide early termination [of the HSR waiting period]; (2) modify the Second Request or otherwise narrow the investigation; or (3) proceed with the investigation without modification." There have been many reports of exoduses of people leaving DOJ,³⁸ and the Antitrust Division being understaffed and resourced.³⁹ How will this impact the manpower capacity and resources of the Antitrust Division to handle the extra workload of Expedited Consideration?

RESPONSE: Please see my response to Question 12.a.

- d. Please explain how this policy change would align with your philosophy and approach to antitrust enforcement.

RESPONSE: I believe we must enforce the antitrust laws in an effective way that is conscious of the costs of enforcement.

- 13. You authored the Federal Trade Commission chapter in the Heritage Foundation's *Project 2025* policy document.⁴⁰ You raised the question of whether the FTC should enforce the antitrust laws or even continue to exist,⁴¹ notwithstanding that you have been nominated for the office of Assistant Attorney General of the Antitrust Division and would be responsible for the shared enforcement of the nation's antitrust laws.

- a. Please explain the differences between the FTC and the Department of Justice Antitrust Division in terms of industry focus, what antitrust statutes they each enforce, and what enforcement procedures are available to them.

³⁸ *Justice Department struggles as thousands exit—and few are replaced*, AM. BAR ASS'N (Nov. 19, 2025), https://www.americanbar.org/advocacy/governmental_legislative_work/publications/washingtonletter/november-25-wl/outside-the-gao-1125wl/.

³⁹ Mark Taylor et al., Inside the "mass exodus" of Antitrust Division staff, GLOB. COMPETITION REV. (Apr. 15, 2026), <https://globalcompetitionreview.com/gcr-usa/article/inside-the-mass-exodus-of-antitrust-division-staff>.

⁴⁰ Adam Candeub, "Ch. 30: Federal Trade Commission" in *Mandate for Leadership: The Conservative Promise*, HERITAGE FOUND. (Apr. 2023), https://static.heritage.org/project2025/2025_MandateForLeadership_FULLL.pdf.

⁴¹ *Id.* at 872–73.

RESPONSE: The Antitrust Division and FTC share responsibility for enforcing the Sherman Act of 1890, the Clayton Act of 1914 as well as the Hart-Scott-Rodino Act of 1976. The Antitrust Division and FTC have developed a clearance process to determine which agency will investigate a transaction for potential antitrust violations and clear mergers. The FTC is statutorily prohibited from regulating certain industries. *See* 15 U.S.C. § 45(a)(2).

- b. Given your questioning of the relevance of the FTC and DOJ in antitrust enforcement, in your view, how should the agencies divide their shared antitrust enforcement?

RESPONSE: Enforcement should be managed in a way that provides for the most effective use of precious enforcement resources for the benefit of the American people.

- c. You have alluded in that section of returning authority to the “states and other democratically accountable political institutions” and going back to a constitutional structure “that the Founding Fathers would have recognized.”⁴² T Do you believe the FTC should either not continue to enforce antitrust laws or be abolished?

RESPONSE: If confirmed, the Antitrust Division will, consistent with the longstanding Department of Justice policies, make investigatory decisions based on the facts, all applicable law, and the Justice Manual.

- 14. In the *Project 2025* chapter you also said, “there is less and less debate around the growth of monopoly rents throughout the U.S. economy. The current data strongly suggest that U.S. corporations are systematically earning far higher profits than they were 25 or 30 years ago. Combined with other evidence that large corporations are accounting for an increasing share of revenue and employment, it certainly appears that many large U.S. corporations are earning substantial incumbency rents, and have been doing so for at least 15 years.”⁴³

- a. Based on your writing, do you still think the U.S. has a monopoly problem?

RESPONSE: If confirmed, I intend for the Antitrust Division to investigate and ensure all applicable antitrust laws are enforced to protect Americans. I will work to ensure that the Division’s work does not interfere with—and only encourages—American innovation and economic dynamism.

- 15. For the following industries, please identify whether you consider them to be heavily concentrated, if they warrant further antitrust scrutiny, and if they are priorities that you would direct the Antitrust Division closely monitor for signs of anticompetitive behavior.

⁴² *Id.* at 873.

⁴³ *Id.* at 879.

RESPONSE: I am not an employee of the Antitrust Division, and I do not want to speculate regarding whether the industries below are currently heavily concentrated. If confirmed, the Antitrust Division will be committed to monitoring signs of anticompetitive behavior, as well as taking appropriate steps to combat and deter anticompetitive conduct.

- a. Agrochemicals
 - b. Agricultural machinery
 - c. Meatpacking
 - d. Food processing and agricultural commodities trading
 - e. Food service distribution
 - f. Grocery stores
 - g. Railroads
 - h. Electricity and utilities
 - i. Pharmaceuticals
 - j. Airlines
 - k. Telecommunications
 - l. Health insurance
 - m. Oil and Gas
 - n. Entertainment and streaming services
 - o. Banking and finance
16. It was reported that Stanley Woodward, the current U.S. Associate Attorney General, issued a directive to lawyers in the Antitrust Division that he prefers they stop taking cases to trial and instead seek to settle them—a comment that some lawyers in the division interpreted as a directive to resolve any litigation against companies and avoid future litigation.⁴⁴ This is a deeply concerning development, since litigation is one of the most effective tools the Department of Justice has to enforce antitrust laws.

⁴⁴ Dana Mattioli et al., *Top DOJ Official Tells Staff He Wants to Avoid Antitrust Trials*, Wall St. J. (Jun. 25, 2026), <https://www.wsj.com/politics/policy/top-doj-official-tells-staff-he-wants-to-avoid-antitrust-trials-bc5a23ce>.

- a. What is your view of the effectiveness of litigation as an antitrust enforcement tool?

RESPONSE: There are many effective tools, including settlement and litigation, that serve valuable purposes in encouraging competition and fostering innovation in order to protect the American consumer.

- b. Do you agree with Associate AG Woodward's comment? If litigation was no longer an option, what other enforcement tools are available that the Antitrust Division could use?

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

- c. As a matter of policy, would you direct the Antitrust Division to resolve any litigation against companies and avoid future litigation?

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

17. On August 6, 2026, the Federal Communications Commission voted to rescind the rule setting the national television ownership limit to at 39 percent as the maximum aggregate national audience reach of any single television station owner.⁴⁵ This statutory cap has been in place since 2004, when Congress amended 202(c) of the Telecommunications Act of 1996 to direct the Commission to set the cap at 39 percent.⁴⁶ Previously, Section 202(c)(1) of the Telecommunications Act established the national television ownership reach limit of 35 percent. During the 2002 biennial ownership proceeding, the Commission raised the national television ownership limit from 35 percent to 45 percent.⁴⁷ But Congress—unsatisfied with the FCC's decision to lift the cap—amended Section 202(c)(1) to reduce it to 39 percent, where it had been until the Commission's rescission of the rule on August 6, 2026.

- a. Please explain the procompetitive rationale for the FCC's decision to eliminate the 39 percent cap.

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

⁴⁵ Press Release, Fed. Communications Comm'n, *FCC Replaces National Broadcast Ownership Cap* (Aug. 6, 2026), <https://docs.fcc.gov/public/attachments/DOC-424076A1.pdf>.

⁴⁶ Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, §629, 118 Stat. 3 (2004).

⁴⁷ *2002 Biennial Regulatory Review*, 18 FCC Rcd 13620, 13814-47 (2003) ("*2002 Biennial Report and Order*"), *aff'd in part, remanded in part, Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004), *cert. denied*, 13 U.S.L.W. 3466 (June 13, 2005).

- b. Identify the statutory basis or legal exception for the FCC to ignore the requirement of Section 202(c)(1) stipulating the limit of 39 percent on national television ownership reach.

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

- c. Before holding the vote, did the FCC conduct any study into removing the 39 percent cap on national television ownership reach, whether the rule change would lead to excessive market power among station owners and higher prices for consumers, and if substitutes like streaming services and social media platforms like YouTube can provide strong price competition?

RESPONSE: The FCC carefully studies the factual record and statutory authority before arriving at any decision.

- d. FCC Chairman Carr has said that in-lieu of the 39 percent cap on national television ownership reach, the Commission would adopt a “case-by-case” approach.⁴⁸ Please explain how this “case-by-case” approach would work. What factors would the FCC assess to determine whether to support a merger between two TV station owners?

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

- e. FCC Commissioner Anna M. Gomez issued the following statement in rebuke toward the Commission’s vote to eliminate the national television ownership cap: “The FCC’s decision to eliminate the 39 percent national audience reach cap is unlawful on its face. Congress set this cap in federal law, and only Congress can change it ... Republicans with deep firsthand knowledge of this issue agree. Former FCC Commissioner Mike O’Rielly has been unequivocal that the FCC lacks authority to change the cap. Former House Majority Leader Tom DeLay, who negotiated the 39 percent compromise, has stressed that Congress wrote the cap into law specifically to keep the FCC from changing it. And Senate Commerce Chair Ted Cruz has said he is skeptical a change can be made absent an act of Congress.”⁴⁹ Do you disagree with FCC Commissioner Gomez’s interpretation? If so, please explain.

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

⁴⁸ Fed. Communications Comm’n, *supra* note 45.

⁴⁹ Press Release from Anna M. Gomez, Fed. Communications Comm’n Commissioner, *GOMEZ ON FCC VOTE TO ELIMINATE BROADCAST OWNERSHIP CAP* (Aug. 6, 2026), <https://docs.fcc.gov/public/attachments/DOC-424079A1.pdf>.

18. On March 19, 2026, the FCC approved Nexstar Media Group’s takeover of rival TV company Tegna Inc.⁵⁰ The combined entity would have a national television ownership reach of at least 60 percent, far exceeding the 39 percent cap while it was still in effect.⁵¹ Controversially, the Commission granted a waiver for the merger—without even a vote.⁵²

- a. As General Counsel for the FCC, what role did you play in the review of Nexstar’s takeover of Tegna Inc. and the Commission’s decision to grant a waiver for the 39 percent cap?

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

- b. Did Nexstar and/or Tegna communicate with you or Chairman Carr about securing a waiver for the 39 percent cap?

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

- c. What basis does the Commission have to issue the waiver? Please provide the relevant legal authority in your explanation.

RESPONSE: The FCC has “broad statutory authority to regulate broadcast media ‘as the public convenience, interest, or necessity requires.’” *FCC v. Prometheus Radio Project*, 592 U.S. 414, 418 (2021) (quoting 47 U.S.C. § 303(r)). “Any provision of the [FCC’s] rules may be waived by the Commission . . . if good cause therefor is shown.” 47 CFR § 1.3.

- d. Based on the waiver for the Nexstar-Tegna merger, if the FCC could waive the 39 percent cap, why did the Commission choose to abandon the rule?

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

19. The student-run newspaper of the university which you have taught at for years, The State News of Michigan State University, obtained, through a Michigan Freedom of Information Act request,⁵³ emails you sent about January 6th.⁵⁴ According to this Michigan FOIA request, in response to a colleague who shared an article arguing the January 6, 2021, capitol riots constitutionally disqualified Trump from serving a second

⁵⁰ Daniel Arkin, *FCC green-lights Nexstar’s \$6.2B merger with rival TV station owner Tegna*, NBC NEWS (Mar. 19, 2026), <https://www.nbcnews.com/business/media/fcc-greenlights-nexstars-62b-merger-rival-tv-station-owner-tegna-rcna237953>.

⁵¹ *Id.*

⁵² Ted Johnson, *Ted Cruz and Maria Cantwell Call for FCC Chairman Brendan Carr to Explain Why Nexstar-Tegna Merger Didn’t Get Full Commission Scrutiny*, DEADLINE (Mar. 31, 2026), <https://deadline.com/2026/03/nexstar-tegna-merger-ted-cruz-brendan-carr-1236769908/>.

⁵³ *FOIA Response to American Oversight*, AM. OVERSIGHT (Aug. 23, 2024), <https://s3.documentcloud.org/documents/25151210/michigan-state-university-communications-regarding-university-employees-associated-with-project-2025.pdf>, at 18-19.

⁵⁴ Theo Scheer, *MSU Professor Who Called 2020 Election ‘Crooked’ to Be Top FCC Lawyer*, STATE NEWS (Feb. 11, 2025), <https://statenews.com/article/2025/02/msu-prof-who-called-2020-election-crooked-to-be-top-fcc-lawyer>.

term, you wrote, “There was no insurrection. There was a political demonstration to protest a crooked election that got out of control.”⁵⁵

- a. Who won the popular and electoral vote for the 2020 presidential election?

RESPONSE: Joe Biden was certified as the winner of the 2020 election and served four years.

- b. Can President Trump run for a third term in 2028?

RESPONSE: No.

- c. Explain why the 2020 election was, in your words, “crooked”?

RESPONSE: I believed the election was crooked due to big tech censoring certain news stories and information that benefited one candidate at the expense of the other.

- d. Explain what you meant by, “There was a political demonstration ... that got out of control”?

RESPONSE: The protestors at the U.S. Capitol on January 6, 2021 got out of control and some of them broke the law, including committing violence against law enforcement officers and damage to property. I wholeheartedly condemn all violence against law enforcement and destruction of property. As I stated during the hearing to consider my nomination, the events of January 6, 2021 amounted to a terrible day for America.

- e. Do you acknowledge that many U.S. Capitol Police officers were injured by the rioters during the event?⁵⁶

RESPONSE: Yes, and I condemn all violence against law enforcement.

- f. The MSU article also notes that when Trump was indicted in an election fraud case in Georgia in August 2023, in response to an MSU communications staffer passing along a media request for an interview on the subject, you wrote that “he’d be ‘happy to tell any interested person that the indictment is bullshit,’ according to the emails.”⁵⁷

⁵⁵ *Supra* note 53 at 18.

⁵⁶ Suzie Ziegler, *Police Union: Over 140 Officers Injured in Capitol Siege*, POLICE1 (Jan. 28, 2021), <https://www.police1.com/officer-safety/articles/police-union-over-140-officers-injured-in-capitol-siege-NSi5xcpt1sIELYvJ/>.

⁵⁷ *Supra* note 54.

- i. Please explain why the Trump indictment in the Georgia election fraud case is, in your words, “bullshit.”

RESPONSE: This represented my disagreement with President Trump being indicted in the election fraud case in Georgia.

- ii. Do you agree that Trump made a phone call to Georgia Secretary of State Brad Raffensberger on January 2, 2021, to ask him to find “11,780 votes, which is one more than [Trump] ha[s], because [Trump] won the state” and that the phone call served as a basis for his indictment?⁵⁸

RESPONSE: I have no personal knowledge of what specific information served as the basis for President Trump’s indictment in the election fraud case in Georgia.

20. In response to Senator Lee’s question that, “there are those who are skeptics of our antitrust laws who like to say ‘I believe in the free market. I want the free market to take care of this. Government shouldn’t intervene in antitrust law. What’s your best response to that?’, you answered, among other things in favor of the free market, that “competition has recognized that markets can adjust ... *often antitrust settlements cannot*.”

- a. Please explain to me what a consent decree is and how it functions as an antitrust enforcement tool.

RESPONSE: After the Department of Justice’s Antitrust Division conducts a civil investigation of either merger or civil conduct cases, the Division, if it concludes the antitrust laws have been violated, is empowered to negotiate a settlement that is filed with a federal district court, which then can issue a consent decree in the form of a final judgment.

- b. Can a consent decree be amended or modified?

RESPONSE: Yes, there is a process by which either party can petition the district court to modify or terminate a consent decree.

- c. Do you still stand by your answer to the Committee that, “competition has recognized that markets can adjust ... *often antitrust settlements cannot*”?

RESPONSE: Yes, the judicial process is generally less nimble and capable of fast and radical change than is the free market.

⁵⁸ Stephen Fowler, ‘*This Was a Scam*’: In Recorded Call, Trump Pushed Official to Overturn Georgia Vote, NPR (Jan. 3, 2021), <https://www.npr.org/2021/01/03/953012128/this-was-a-scam-in-recorded-call-trump-pushed-official-to-overturn-georgia-vote>.

21. In another response to Senator Lee’s follow-up question, you answered that antitrust is “a blunt instrument. It can do harm ... protecting competition, ensuring that our market structures maximize *social welfare* is the goal of antitrust.” But in subsequent answers, you made references to consumer welfare—not social welfare.

- a. Please explain your understanding of what the consumer welfare standard is.

RESPONSE: The consumer-welfare standard calculates the total economic surplus consumers receive for a good above what they actually pay.

- b. How would you define social welfare? Is it the same as the consumer welfare standard or different? Please elaborate.

RESPONSE: Generally, I understand them to have similar meaning.

- c. What is the goal of antitrust law? Is it to protect consumer welfare or social welfare? Is protecting welfare the only goal of antitrust law?

RESPONSE: The most coherent goal of American antitrust law is to protect American consumer welfare.

- d. When Senator Lee pressed further and asked if consumer welfare does not exclude other considerations besides price, you replied that, “it can include things such as privacy ... when constitutional rights are at issue like free speech.”

- i. What does the consumer welfare standard measure?

RESPONSE: Please see my response to Question 21.a.

- ii. How do you factor in considerations like privacy or free speech into the consumer welfare standard and quantify these considerations?

RESPONSE: “Economic surplus” as used in the consumer welfare standard includes not only price and output/quantity but also such things as innovation and quality, which in turn can include things such as privacy, safety, or durability. If confirmed, I will work with Antitrust Division economists and lawyers to ensure Division enforcement actions are cognizant of these considerations.

22. You were also asked by Senator Lee, “to what extent and what ways do you think state attorneys general should play a role in antitrust enforcement?” to which you a nonresponsive reply, that you would “work with state attorneys general to have a coherent consistent antitrust enforcement.”

- a. Can state attorneys general enforce federal antitrust laws?

RESPONSE: Yes.

- b. Besides the Federal Trade Commission and the Department of Justice Antitrust Division, who else can enforce the antitrust laws?

RESPONSE: The federal antitrust laws contemplate a role for state attorney generals as well as private parties.

- c. Can states legislate their own antitrust laws and enforce them?

RESPONSE: Yes.

**Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
"Nominations"**

August 5, 2026

Questions for Adam Candeub (Nominee for Assistant Attorney General for Antitrust):

1. The following are yes or no questions related to the 2020 election:

- a. According to Wisconsin's certified 2020 General Election results, did Joe Biden receive more than 19,000 votes more than Donald Trump?

RESPONSE: My understanding based on public reporting is that the relevant election officials determined that Joe Biden received more votes and therefore certified the state's presidential electors for Joe Biden. I have no personal knowledge of the facts interrogated in this question.

- b. According to Pennsylvania's certified 2020 General Election results, did Joe Biden receive more than 80,000 votes more than Donald Trump?

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

- c. According to Georgia's certified 2020 General Election results, did Joe Biden receive more than 11,000 votes more than Donald Trump?

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

- d. According to Arizona's certified 2020 General Election results, did Joe Biden receive more than 10,000 votes more than Donald Trump?

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

- e. According to Nevada's certified 2020 General Election results, did Joe Biden receive more than 20,000 votes more than Donald Trump?

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

- f. According to Michigan's certified 2020 General Election results, did Joe Biden receive more than 154,000 votes more than Donald Trump?

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

- g. Setting aside the precise vote totals, do you accept that, according to each state's certified results, Joe Biden received more votes than Donald Trump in Wisconsin, Pennsylvania, Georgia, Arizona, Nevada, and Michigan in the 2020 General Election?

RESPONSE: Based on public reporting, my understanding is that officials in each of these states certified their presidential electors for Joe Biden. I have no personal knowledge of the facts interrogated in this question.

- h. Are you aware of any evidence that Joe Biden did not win more votes than Donald Trump in each of the states listed above? If so, please explain.

RESPONSE: Please my response to Question 1.g.

- 2. Some judicial nominees have stated that Joe Biden “legally” won the 2020 election or won the election “as a matter of law.” Setting aside any legal characterization: as a matter of fact, did Joe Biden win the 2020 presidential election?

RESPONSE: Under the United States Constitution, the results of the electoral college are certified by Congress. Congress certified Joe Biden as the winner of the 2020 election.

- 3. Do you have any reason to believe that the outcome of any state’s presidential vote was impacted by irregularities or fraud? If so, please explain.

RESPONSE: I have no personal knowledge of the facts interrogated in this question.

- 4. On January 7, 2021, a joint session of Congress certified 306 electoral votes for Joseph Biden and 232 electoral votes for Donald Trump. Joe Biden received more votes than Donald Trump across 25 states, DC, and NE-02 in the 2020 election.

- a. Do you have any reason to believe that Congress was wrong to certify each state’s electoral votes?

RESPONSE: The Constitution provides that Congress certifies the results of presidential elections. Congress certified Joe Biden as the winner of the 2020 presidential election.

- 5. More than 60 federal and state courts, including courts presided over by judges appointed by Republican presidents, dismissed legal challenges to the 2020 presidential election results for lack of evidence, lack of standing, or lack of merit.

- a. Do you have any reason to believe that any of those courts reached the wrong conclusion?

RESPONSE: Please see my response to Question 3.

- b. Do you have any reason to believe that any one of those judges -- many of whom were appointed by Republican presidents, including President Trump -- acted improperly or in bad faith in dismissing those challenges?

RESPONSE: Please see my response to Question 3.

6. Have you ever, publicly or in an official capacity, questioned or disparaged: (i) the legitimacy of the 2020 presidential election results; (ii) Congress's certification of those results; or (iii) any federal or state court ruling rejecting legal challenges to those results? If so, please explain.

RESPONSE: In a publicly available email, I referred to the 2020 election as a "crooked" election because of big tech censorship. I did not publicly question the legitimacy of Congress's certification of the results or any state or federal court ruling rejecting legal challenges to the results.

7. To the extent you would decline to answer any election-related question on the ground that the 2020 result is a "subject of political debate," please identify what you believe remains genuinely debatable about whether Joe Biden received more votes than Donald Trump in the states at issue, given that those results were certified by the responsible state officials and upheld in more than sixty state and federal proceedings.

RESPONSE: I believe that I have not declined to answer any election-related question regarding the result of the 2020 election.

8. In the documents you provided the Senate Judiciary Committee, have you identified every publicly accessible -- or previously publicly accessible -- social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform?

RESPONSE: I do not have an extensive social media presence. I have disclosed all responsive materials via my Senate Judiciary Questionnaire.

If not, please identify any publicly accessible social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform. Please include any non-private (or any previously non-private) accounts on Twitter/X, Facebook, Instagram, LinkedIn, YouTube, TikTok, Truth Social, Substack, Reddit, any personal blogs or websites, or any comparable platforms. For each account, please state:

RESPONSE: Please see my response to Question 8.

- a. the platform or service;

RESPONSE: Please see my response to Question 8.

- b. the username, handle, screen name, and any display name associated with the account;

RESPONSE: Please see my response to Question 8.

- c. the approximate dates the account was active;

RESPONSE: Please see my response to Question 8.

- d. whether the account was maintained in your own name, under a pseudonym, or anonymously; and

RESPONSE: Please see my response to Question 8.

- e. the account's current status (active, deactivated, deleted, or set to private).

RESPONSE: Please see my response to Question 8.

- 9. Since you were first under consideration for this nomination, have you deleted, deactivated, archived, restricted the visibility of, or removed content from any online account, or directed or requested that anyone does so on your behalf? If so, please identify the account and describe what was changed or removed and when.

RESPONSE: I have made a request to LinkedIn to terminate my account, which I infrequently used.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Adam Candeub
Hearing on “Nominations”
Wednesday, August 5, 2026

1. You repeatedly told me during your nomination hearing that it would be “inappropriate” for you to state whether the Federal Communications Commission (FCC) opened an investigation into 60 Minutes and NBC over allegations by President Trump of favoritism towards Vice President Kamala Harris. Please explain what, in your view, would be inappropriate about confirming or denying the existence of a publicly reported investigation.

RESPONSE: As General Counsel of the FCC, I provided confidential legal advice to the Commission. Due to my professional and ethical obligations, I cannot comment regarding the existence of an investigation.

2. Since 2000, 75% of America’s dairy farms have closed. Just two companies have over 70% of the planted corn acres in the United States, and 66% of the planted soybean acres. Four companies own more than 70% of the nitrogen fertilizer industry. Four companies own at least 60% of the beef, pork, and poultry processing markets.

- a. If confirmed, how will you address consolidation in the agricultural sector?

RESPONSE: I am not currently employed by the Antitrust Division. If confirmed, I will carefully review the anticompetitive effects of consolidation in the agricultural sector and take all appropriate action consistent with the antitrust law.

3. You represented Jared Taylor in his suit against Twitter for suspending his account. Mr. Taylor has called himself a “white advocate” and was a former director of the National Policy Institute which, until it was disbanded, declared on its website that “the dispossession of White Americans will have catastrophic effects for the entire world, not just for our people.”

- a. Please describe the factors that informed your decision to represent Mr. Taylor.

RESPONSE: Though I strongly disagreed with the views he was expressing, I chose to represent Mr. Taylor due to concerns that his free speech rights were being violated.

4. You have co-authored four op-eds with Marcus Epstein about telecommunications policy and Twitter's content moderation practices. Before you co-authored those op-eds, Mr. Epstein pleaded guilty to assault after he used a horrific racial epithet against a Black woman and attempted to physically attack her.

- a. Please describe the factors that informed your decision to co-author opinion articles with Mr. Epstein.

RESPONSE: I condemn the actions of Marcus Epstein described in your question. My relationship with him is based on our mutual interest in antitrust policy.

5. On April 15, 2023, you appeared on a panel with Alex Jones and Jack Posobiec called "Scanning the Twitter Files."

- a. Please describe the factors that informed your decision to join this panel.

RESPONSE: I was asked by the organizer.

- b. Please describe your relationship with Alex Jones and Jack Posobiec.

RESPONSE: None. I met both of them at that panel and have not been in contact with them since.

- c. Are you aware that, while Alex Jones owned and operated his platform InfoWars, that he frequently referred to the Sandy Hook Elementary School shooting in 2012 as a "hoax" and the parents of those children as "crisis actors?"

RESPONSE: I knew who Alex Jones was and the broad outlines of the controversy.

- d. Do you agree with Mr. Jones' views on the Sandy Hook Elementary School shooting?

RESPONSE: No.

- e. Are you aware that Jack Posobiec welcomed the "end of democracy" at the 2024 Conservative Political Action Conference (CPAC) and that "we are here to overthrow it completely?"

RESPONSE: No.

- f. Do you agree with Mr. Posobiec's statements at CPAC in 2024?

RESPONSE: No.

- 6. A Michigan Freedom of Information Act request uncovered an email thread from August 2023 in which you said, regarding the attack on the U.S. Capitol on January 6, 2021, that "There was no insurrection. There was a political demonstration to protest a crooked election that got out of control. Everything else is simply a A [sic] Democratic talking point. There's no evidence of it. It is the preferred swamp dream of our liberal elites."

- a. Please explain what you meant by this statement.

RESPONSE: My statements described my concerns of big tech censoring certain news stories and information that benefited one candidate at the expense of the other.

- b. Do you believe the U.S. Capitol was attacked on January 6, 2021? Please explain.

RESPONSE: The protestors at the U.S. Capitol on January 6, 2021 got out of control and some of them broke the law, including committing violence against law enforcement officers and damage to property. I wholeheartedly condemn all violence against law enforcement and destruction of property. As I stated during the hearing to consider my nomination, the events of January 6, 2021 amounted to a terrible day for America.

- c. Who won the 2020 election?

RESPONSE: In a joint session of Congress, Joe Biden was certified as the winner of the 2020 election and served four years.

- 7. You are listed as the counsel of record in a November 2024 amicus brief with Richard Epstein and Benjamin Flowers on behalf of the Independent Women's Law Center.

- a. Please describe the factors that led to your decision to co-author an amicus brief with Mr. Epstein and Mr. Flowers.

RESPONSE: I chose to co-author the amicus brief with Richard Epstein and Benjamin Flowers due to our mutual interest in antitrust and intellectual property policy.

- b. In the brief, you argued that, under the Medicare Drug Price Negotiation Program, “private property is taken for public use for less than fair market value.” Please explain why you argued that the Program was an unconstitutional taking.

RESPONSE: The program required the sale of drugs at below fair market value, and I argued that fair market value is the proper standard for evaluating the constitutionality of a takings under the Constitution.

- 8. In a white paper titled “Algorithmic Rental Pricing Programs Further Market Efficiency and Cannot Restrain Trade in Violation of the Antitrust Laws,” you argued that RealPage was not violating antitrust laws by using public and nonpublic competitor data to model and forecast prices for customers’ rental apartments.

- a. You argued that DOJ was “[i]mbuing AI with some sort of magic illicit power” while suing RealPage for violations of Section 1 of the Sherman Act. Please explain what you meant by this statement.

RESPONSE: This was a rough draft of a white paper that was ultimately never published. I decided not to publish the white paper due to information that I discovered during the course of my research.

- b. Do you agree with DOJ’s settlement with RealPage?

RESPONSE: Please see my response to Question 8.a.

Questions for the Record

David Adam Candeub – Nominee to be Assistant Attorney General for the Antitrust Division

Sen. Adam Schiff (D-CA)

1. Your predecessor, Gail Slater, was confirmed by the Senate with bipartisan support because she vowed to enforce antitrust laws. But numerous reports have now detailed that she was put under intense pressure to do what the Trump administration wanted, in particular, pressure to not enforce antitrust laws. She ultimately resigned.
 - a. This administration has pushed for settlements in cases where the DOJ was pursuing litigation. How do you plan to maintain the DOJ's impartiality when Ms. Slater resigned because political actors within the Trump administration interfered with her ability to enforce antitrust laws?

RESPONSE: If confirmed, the Antitrust Division will make prosecutorial and investigatory decisions based on the facts and the law.

- b. What will you do if pressure is put on you by President Trump or his advisors to laxly enforce antitrust laws?

RESPONSE: This is a hypothetical that I do not believe will occur. If I thought it would occur, I would not have accepted the nomination.

2. Do you intend to take meetings with lobbyists should you be confirmed?

RESPONSE: If confirmed, the Antitrust Division will base prosecutorial and investigatory decisions on the facts and the law, and I will work to guard against any improper influences.

- a. If you do intend to meet with lobbyists, should you be confirmed, what standards will you apply in determining to take a particular meeting with a particular lobbyist?

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

3. Will you commit to not taking meetings with lobbyists who your line attorneys advise against meeting with?

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

4. Will you commit to not meeting with lobbyists in matters under active litigation that the Justice Department's career lawyers advise against?

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

- a. Will you commit to seeking advice from career ethics officials before meeting with lobbyists who represent companies engaged in litigation with the DOJ?

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

5. You have a relationship with Mike Davis, who has described you as his "friend." Please describe the nature of your relationship with him.

RESPONSE: He is an acquaintance.

- a. Mike Davis is known to have a close relationship with the President. He has also lobbied successfully to settle cases with this antitrust division. You were reported to be at his July Fourth BBQ as recently as last month. What is the nature and extent of your relationship with Mike Davis?

RESPONSE: Please see my response to Question 5.

- b. Will you commit in writing to not discuss antitrust matters with Mike Davis or any other parties that have live business in front of the Antitrust Division if you are confirmed?

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

6. On a known white nationalist website called VDARE, you published several problematic op-eds, such as "Fourth Circuit Bobos Put Judiciary On Collision Course with America" and "Shabbat Meditation: Immigration and Three Twitchy Jewish Nerves."

- a. Do you stand by your decision to publish on a white nationalist, anti-immigrant website?

RESPONSE: Given what I now know about the website VDARE, I would have chosen to publish those two articles elsewhere.

- b. Why did you choose to publish op-eds on the website VDARE?

RESPONSE: I saw it as an opportunity to publish those articles as a defense to the first Trump Administration’s travel ban. Given what I now know about the website VDARE, I would have chosen to publish those two articles elsewhere.

7. During your nomination hearing, I asked you whether you stood by your published article on VDARE, titled, “Shabbat Meditation: Immigration and Three Twitchy Jewish Nerves,” where you state that “[M]uslim immigrants and their children seem prone not only to terrorism but to cultural separatism.” You said you stand by this article you wrote.
 - a. If you are confirmed as the Antitrust AAG, you will have an obligation to work on behalf of all Americans, including Muslim Americans. How will your views, which you stated you stand by, impact your ability to lead the Antitrust Division without bias?

RESPONSE: If confirmed, the Antitrust Division will be impartial and make investigatory and prosecutorial decisions based on the facts and the law.

- b. Do you believe you will be able to represent the best interests of all Americans, regardless of their country of origin or religion?

RESPONSE: Yes.

8. In your article on VDARE, published on May 25, 2017, titled “Fourth Circuit Bobos Put Judiciary on Collision Course with America” you write “[T]he federal judiciary’s legitimacy rests on its connection with the values of people whom it serves and who pay its salaries. Indeed, as judges serve without any democratic oversight, judges’ basic moral commitments must mirror those of the people.” Is it your position that judges must adjudicate determinations based on who pays their salaries? Or should judges adjudicate cases based on law and fact?

RESPONSE: The Code of Conduct for United States Judges provides guidance on the performance of a judge’s official duties.

9. Last September, the Department of Justice and USDA announced a joint partnership to safeguard competition in essential agricultural markets, including feed, fertilizer, fuel, seed, and equipment. Fertilizer alone accounts for roughly a quarter of the cost of growing a crop — a cost that ultimately gets passed onto consumers at grocery stores.
 - a. How familiar are you with anticompetitive practices in the fertilizer industry?

RESPONSE: I have an extensive background in studying anticompetitive practices and if confirmed, the Antitrust Division will use all tools at its disposal to encourage competition and foster innovation.

- b. What is your current experience in legal work to mitigate rising costs due to market consolidation in the agricultural sector?

RESPONSE: I am not currently employed by the Antitrust Division. If confirmed, I will carefully review the anticompetitive effects of consolidation in the agricultural sector and take all appropriate action consistent with the antitrust law.

- c. Rising costs at grocery stores is a key concern for American families across the nation. Will you commit to addressing this concern and bringing down grocery costs for Americans?

RESPONSE: If confirmed, I will carefully review the anticompetitive effects of consolidation in the agricultural sector and other sectors that impact grocery prices and take all appropriate action consistent with the antitrust law.

- 10. In the event of a settlement agreement with any party, will you commit to providing the public with a competitive impact statement that includes a description and evaluation of alternatives to any settlement proposal considered by the United States, in compliance with 15 U.S.C. § 16(b)-(h)), the Antitrust Procedures and Penalties Act, known as the Tunney Act?

RESPONSE: If confirmed, the Antitrust Division will comply with all laws and Department policies.

- 11. Will you commit to reviewing the advice of the Office of Chief Legal Advisor (OCLA)?

RESPONSE: Yes.

- a. If you were to receive advice or recommendations from the White House that differ from advice of the OCLA, how would you proceed?

RESPONSE: Please see my response to Question 1.b.

12. Will you commit to recusing yourself from matters you advised on while you served as General Counsel of the Federal Communications Commission?

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

13. When assessing national security risks or benefits in a merger, what percentage of foreign investment do you believe places American companies at risk of foreign influence? Please explain why.

RESPONSE: If confirmed, I will work to ensure that each merger approved by the Division is carefully assessed for its national security risk. Appropriate safeguards and conditions, including limitations on foreign investment, will be imposed consistent with the facts and the law.