

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Patrick David Davis

2. **Position**: State the position for which you have been nominated.

Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington DC, 20530

Residence: Bethesda, Maryland

4. **Birthplace**: State date and place of birth.

1979; Los Alamitos, CA

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Georgetown University Law Center, 2003 – 2006
J.D. – 2006

University of Nebraska-Lincoln, 1998 – 2003
B.A. *with distinction* – 2003

University of Nebraska's World Campus Program, Summer 2000
No degree awarded

University of Salford, Fall 2000
No degree awarded

6. **Employment Record**: List in reverse chronological order all governmental agencies,

business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

February 2025 – Present
U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

January 2025 – February 2025
U.S. Department of Justice
Office of Legislative Affairs
950 Pennsylvania Avenue NW
Washington, DC 20530
Acting Assistant Attorney General

January 2023 – January 2025
American Petroleum Institute
200 Massachusetts Avenue NW
Washington, DC 20001
Senior Counsel

August 2021 – January 2023
U.S. House of Representatives
House Permanent Select Committee on Intelligence
Capitol Visitor Center HV-304
U.S. Capitol Building
Washington, DC 20515
Chief Investigative Counsel

August 2021 – August 2021
Empower Oversight Whistleblowers & Research
11166 Fairfax Boulevard
Suite 500
Fairfax, VA 22030
Vice President

December 2018 – January 2021
U.S. Department of Justice
Office of the Associate Attorney General
950 Pennsylvania Avenue NW
Washington, DC 20530

Deputy Associate Attorney General

April 2015 – December 2018

U.S. Senate

Committee on the Judiciary

224 Dirksen Office Building

Washington, DC 20510

Deputy Chief Investigative Counsel (August 2017 – December 2018)

Investigative Counsel (April 2015 – August 2017)

November 2008 – April 2015

U.S. Department of Justice

Civil Division, Federal Programs Branch

950 Pennsylvania Avenue NW

Washington, DC 20530

Trial Attorney

September 2006 – July 2008

Spriggs & Hollingsworth LLP

1350 I Street NW

Washington, DC 20005

Associate Attorney

May 2005 – August 2005

Spriggs & Hollingsworth LLP

1350 I Street NW

Washington, DC 20005

Summer Associate

May 2004 – August 2004

Georgetown University Law Center

600 New Jersey Avenue NW

Washington, DC 20001

Research Assistant

November 2003 – May 2004

Georgetown University Law Center

600 New Jersey Avenue NW

Washington, DC 20001

Work Study

June 2003 – August 2003

Kaplan Test Preparation

1821 K Street

Lincoln, NE 68508

LSAT Preparation Course Instructor

January 2002 – August 2003
Old Chicago Restaurant
2918 Pine Lake Road
Lincoln, NE 68516
Server

Uncompensated Affiliations:

September 2024 – Present
Our Lady of Victory Catholic School
4755 Whitehaven Parkway
Washington, DC 20007
School Advisory Board Member

May 2024 – Present
1000 Feet DC
310 6th Street SE
Washington, DC 20003
Board Member, Treasurer

January 2006 – April 2006
U.S. Department of Defense
Office of the Secretary of Defense
Office of the Deputy General Counsel for International Affairs
1000 Defense Pentagon
Washington, DC 20301
Legal Intern

May 2004 – August 2004
U.S. Department of Justice
Criminal Division, Asset Forfeiture/Money Laundering Section
International Programs Unit
1400 New York Avenue NW
Washington, DC 20530
Legal Intern

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other

special recognition for outstanding service or achievement.

Leonine Fellow, The Leonine Forum, 2022 – 2023

Eurasia Congressional Fellow, The Atlantic Council, 2018

Penn-Kemble Fellow, National Endowment for Democracy, 2016 – 2017

Congressional Partnership Program Member, Partnership for a Secure America, 2016

Future Leaders Program, The Foreign Policy Initiative, 2015 – 2016

National Security Fellow, Foundation for Defense of Democracies, 2012 – 2013

American Enterprise Summer Institute - Young Professionals Program, American Enterprise Institute, 2010

Dean's List, Georgetown University Law Center, 2005 – 2006

Undergraduate Fellow, Foundation for Defense of Democracies, 2002 – 2003

Honors Program Member, University of Nebraska-Lincoln, 1998 – 2003

Dean's List, University of Nebraska-Lincoln, 1998 – 2003

Distinguished Scholar Award, University of Nebraska-Lincoln, 1998 – 1999

Alpha Learning Community, University of Nebraska-Lincoln, 1998 – 1999

National Merit Scholar, National Merit Scholarship Corporation, 1998

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

The Federalist Society for Law and Public Policy Studies
Member, 2005 – Present (intermittent lapses)

Republican National Lawyers Association
Member, 2006 – 2018 (intermittent lapses)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Virginia, October 2006

District of Columbia, January 2008

Nebraska, May 2008

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

During my career at the U.S. Department of Justice, I appeared before the following court on behalf of the federal government under rules allowing special admissions of government attorneys:

U.S. District Court for the District of Columbia

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

The John Carroll Society
Member, 2022 – Present

Izaak Walton League of America – Bethesda/Chevy Chase Chapter
Member, 2020 – Present
Range Safety Officer, 2023 – 2024

Potomac Appalachian Trail Club
Member, 2019 – Present

The Federalist Society for Law and Public Policy Studies
Member, 2005 – Present (intermittent lapses)

The Nebraska Society of Washington, DC
Member, 2007 – 2022 (intermittent lapses)

Republican National Lawyers Association
Member, 2006 – 2018 (intermittent lapses)

The National Republican Club of Capitol Hill (Capitol Hill Club)
Member, 2012 – 2015

The Alexander Hamilton Society
Member, 2012 – 2013

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Second Interim Report on the Origins of the COVID-19 Pandemic, Minority Staff Report, House Permanent Select Comm. on Intelligence, 2021. This report is classified at the TS/SCI level and is not attached.

Unclassified Summary of the Second Interim Report on the Origins of the COVID-19 Pandemic, Minority Staff Report, House Permanent Select Comm. on Intelligence, 2021. Copy supplied.

Human Fetal Tissue Research: Context and Controversy, Majority Staff Report, Senate Judiciary Comm. Print, 2016. Copy supplied.

Letter to the Editor, United States Should Wait No More, *The Daily Nebraskan*, Oct. 3, 2002. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association,

committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Comments on Council for Environmental Quality's National Environmental Policy Act Implementing Regulations Revisions Phase 2, 88 Fed. Reg. 49,924, Docket No. CEQ-2023-0003, American Petroleum Institute, et al., Sept. 29, 2023. Copy supplied.

American Petroleum Institute's Comments on the Council for Environmental Quality's Notice of Interim Guidance on Consideration of Greenhouse Gas Emissions and Climate Change Under the National Environmental Policy Act, (88 Fed. Reg. 1196) (CEQ-2022-0005), American Petroleum Institute, Apr. 10, 2023. Copy supplied.

Memorandum to Senate Republicans: Senate Judiciary Committee Investigation of Numerous Allegations Against Justice Brett Kavanaugh During the Senate Confirmation Proceedings, Office of Chairman Grassley, Senate Judiciary Comm., Nov. 2, 2018. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

In March of 2024, I spoke at a public meeting of DC's Advisory Neighborhood Committee 3D. A transcript of the meeting is attached. That same month, I helped draft and signed a letter to Advisory Neighborhood Committee 3D. That letter is attached.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or

recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

April 18, 2024: Speaker, *On the Bureau of Land Management's Conservation and Landscape Health Rule* by the Center for Law and Policy, Houston, TX. I discussed the Bureau of Land Management. I have no notes, transcript, or recording. The address of the Center for Law and Policy is 1747 Pennsylvania Avenue NW, Suite 800, Washington, DC 20006.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Luke Broadwater, *Whistle-Blower Groups Push to End Secret Seizure of Congressional Communications*, New York Times (Aug. 31, 2024). Copy supplied.

Bill Browder, *Freezing Order*, Simon & Schuster (2022). Copy supplied.

Lee Smith, *The Plot Against the President*, Hachette Book Group (2019). Copy supplied.

Kamahria Hopkins, *UNL Students Visit Israel for Look at Terrorism*, Omaha World-Herald (Sept. 2, 2002). Copy supplied.

During my time as Investigative Counsel and Deputy Chief Investigative Counsel for the Senate Judiciary Committee from 2015 to 2018, I regularly engaged with the Committee's Press Secretary in interacting with journalists inquiring about the Committee's investigations. I do not recall these interactions ever resulting in any articles in which I was quoted.

13. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

I have held the following appointed positions at the U.S. Department of Justice:

Deputy Associate Attorney General, Office of the Associate Attorney General, 2018 – 2021.

I was appointed by Acting Attorney General Matthew Whitaker.

Acting Assistant Attorney General, Office of Legislative Affairs, January 2025 – February 2025.

I was appointed by Acting Attorney General James McHenry.

Deputy Assistant Attorney General, Office of Legal Policy, February 2025 – Present.

I was appointed by Attorney General Pamela Bondi.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I am a member of the Republican Party, and have volunteered on several campaigns, but have not held a formal position.

In December of 2024 and January of 2025, I served as a volunteer on the Trump-Vance Transition Team. I worked on the Department of Justice Landing Team.

In 2018, the National Republican Senatorial Committee (NRSC) deployed me to Indiana to assist with election-day operations. The NRSC reimbursed my travel and lodging expenses. I worked with Lake County Republican Commissioners in visiting polling locations.

In 2016, I was a volunteer on the Marco Rubio campaign during the presidential primaries. I drafted state delegate allocation briefs, as well as potential state and federal court motions relating to primary elections, none of which were actually filed, to the best of my knowledge.

In 2014, the National Republican Senatorial Committee (NRSC) deployed me to

New Hampshire to assist with election-day operations. The NRSC arranged and paid for my travel expenses. I worked with state Republican officials and visited polling locations.

In 2012, I served as a legal volunteer for the Romney campaign on election day in the so-called Virginia War Room, where I fielded phone calls regarding polling place issues. I also assisted with a ballot access review.

In 2012, during the presidential primaries, I volunteered with the Huntsman campaign in New Hampshire, phone-banking, canvassing, and other general volunteer activities.

In 2008, I volunteered on the McCain campaign, phone-banking and other general volunteer activities.

In 2004, I volunteered on the Bush campaign, phone-banking, general volunteer activities, and assisting at an inaugural ball.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not clerked for a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

September 2006 – July 2008
Spriggs & Hollingsworth LLP
1350 I Street NW
Washington, DC 20005
Associate Attorney

November 2008 – April 2015
U.S. Department of Justice
Federal Programs Branch, Civil Division
950 Pennsylvania Avenue NW

Washington, DC 20530
Trial Attorney

April 2015 – December 2018
U.S. Senate
Committee on the Judiciary
224 Dirksen Office Building
Washington, DC 20510
Deputy Chief Investigative Counsel (August 2017 – December 2018)
Investigative Counsel (April 2015 – August 2017)

December 2018 – January 2021
U.S. Department of Justice
Office of the Associate Attorney General
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Associate Attorney General

August 2021 – August 2021
Empower Oversight Whistleblowers & Research
11166 Fairfax Boulevard
Suite 500
Fairfax, VA 22030
Vice President

August 2021 – January 2023
U.S. House of Representatives
House Permanent Select Committee on Intelligence
Capitol Visitor Center HV-304
U.S. Capitol Building
Washington, DC 20515
Chief Investigative Counsel

January 2023 – January 2025
Senior Counsel
American Petroleum Institute
200 Massachusetts Avenue NW
Washington, DC 20001

January 2025 – February 2025
U.S. Department of Justice
Office of Legislative Affairs
950 Pennsylvania Avenue NW
Washington, DC 20530
Acting Assistant Attorney General

February 2025 – Present
U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington, DC 20530
Deputy Assistant Attorney General

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From 2006 to 2008, I was an associate attorney at Spriggs & Hollingsworth, where I worked as part of a team of attorneys on complex civil litigation involving corporate clients. I drafted motions and legal memoranda, assisted in deposition preparation, helped prepare expert witnesses for trial testimony, and conducted document review.

From 2008 to 2015, I was a trial attorney in the Federal Programs Branch of the Civil Division of the U.S. Department of Justice. I represented government agencies and government officials in federal civil litigation, serving as the lead attorney for the government in several cases. I served on the National Security Detainee Litigation Team, acting as the lead attorney for the government in several *habeas corpus* cases brought against it by Guantanamo detainees. I also litigated cases involving the Administrative Procedure Act, constitutional claims, and the Freedom of Information Act. I led teams of attorneys, developed factual records, interviewed witnesses, managed discovery, drafted briefs, and argued cases in the U.S. District Court for the District of Columbia.

From 2015 to 2018, I worked for the Senate Judiciary Committee, first as Investigative Counsel and then as Deputy Chief Investigative Counsel. I managed a team of investigative counsels and law-enforcement detailees in Congressional investigations. I drafted investigative plans, letters of inquiry, subpoenas, and proposed legislation. I conducted transcribed interviews, prepared hearings, negotiated with witnesses' counsel and agency liaisons. I drafted a staff report and managed the drafting of another.

From 2018 to 2021, I worked as Deputy Associate Attorney General in the

Office of the Associate Attorney General in the U.S. Department of Justice. On behalf of the Principal Deputy Associate Attorney General and Acting Associate Attorney General, I oversaw several Justice Department divisions. I oversaw litigation, reviewed proposed settlements to recommend approval or denial by leadership, and represented the Department at interagency meetings. I also served on the Congressional Oversight Task Force and the Religious Liberty Task Force.

From 2021 to 2023, I was the Chief Investigative Counsel on the Permanent Select Committee on Intelligence in the U.S. House of Representatives. I conducted oversight and investigations, drafted letters of inquiry, interviewed witnesses, reviewed whistleblower submissions, and prepared hearing materials. I liaised with other committees and executive branch agencies.

From 2023 to 2025, I was a Senior Counsel at the American Petroleum Institute. I retained and managed outside counsels. I edited and approved legal briefs in federal and state litigation. I oversaw the drafting, editing, and submission of comment letters to federal agencies regarding proposed regulations. I also drafted and analyzed proposed federal litigation.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 2006 to 2008, I was an associate attorney at Spriggs & Hollingsworth and my clients were corporations in complex civil litigation.

From 2008 through 2015, my clients were typically government agencies in civil litigation where the legality of the agencies' actions was being challenged.

From 2015 through 2018, my client was the Senate Judiciary Committee.

From 2018 through 2021, my clients were again government agencies in civil litigation where the legality of the agencies' actions was being challenged.

From 2021 to 2023, my client was the Permanent Select Committee on Intelligence in the U.S. House of Representatives.

From 2023 to 2025, my client was the American Petroleum Institute, where I worked in-house as a Senior Attorney.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of

your appearances in court varied, describe such variance, providing dates.

Roughly 13 years of my career have involved litigation and litigation management. In my first several years at the Federal Programs Branch, I was often in court. I have not personally appeared in court since leaving the Federal Programs Branch in 2015, instead shifting to roles overseeing litigation. Roughly 5 years of my career have involved congressional investigations and oversight.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 98% |
| 2. state courts of record: | 2% |
| 3. other courts: | __% |
| 4. administrative agencies: | __% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | __% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried five cases to final decisions, all on a team of attorneys.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | __% |
| 2. non-jury: | 100% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not appeared before the Supreme Court of the United States.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case

was litigated; and

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Mustafa Faraj Mohammad a.k.a. Abu Faraj Al-Libi v. Barack Obama et al.*, No. 09-cv-873 (D.D.C.) (Kollar-Kotelly, J.)

From around June of 2009 through April of 2015, I served as the lead attorney for the government in the Guantanamo Bay habeas case brought by Abu Faraj Al-Libi, a High-Value Detainee who was reportedly the third most senior leader of al Qaeda at the time of his capture, having replaced Khalid Sheik Mohammed. In this long-running case, I developed the factual record against the Petitioner and filed a classified Factual Return detailing the evidence of his lengthy and senior involvement in al Qaeda and his lawful detention by the United States pursuant to the Authorization for Use of Military Force. I also litigated matters including Petitioner's Counsel's access to classified evidence, and managed discovery to comply with extensive obligations to search for exculpatory evidence and to certify the government's compliance with those obligations. Much of this case remains classified and under seal. Rather than proceed to a merits hearing, the case has been stayed for several years, with the Petitioner's Counsel filing periodic status reports.

Co-Counsel for Respondents:

Terry Marcus Henry
Andrew I. Warden
Timothy B. Walthall
U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 616-5084

Counsel for Petitioner:

Luke Parker Ihnen
Mary Margaret Kincaid
Dana Hansen Chavis
Stephen Michael Kissinger
Federal Defender Services of Eastern Tennessee
800 South Gay Street
Suite 2400
Knoxville, TN 37929
(865) 637-7999

Brett Garrett Sweitzer
Christi Charpentier

Mark Wilson
Shawn Nolan
Federal Community Defender, Eastern District of Pennsylvania
601 Walnut Street
Suite 545 West
Philadelphia, PA, 19107
(215) 928-1100

2. *Mohd Farik Bin Amin v. Barack Obama et al.*, No. 11-cv-923 (D.D.C.)
(Kollar-Kotelly, J.)

From roughly August of 2011 to April of 2015, I served as the lead attorney for the government in the Guantanamo Bay habeas case brought by Mohd Farik Bin Amin, a High-Value Detainee who was a senior leader of al Qaeda-affiliate Jemaah Islamiyah. I developed the factual record against the Petitioner and filed a classified factual return explaining his extensive terrorist activities and the lawful nature of his detention by the Respondents pursuant to the Authorization for Use of Military Force. Pursuant to obligations regarding exculpatory information, I conducted extensive reviews and certified that Respondents produced such information, if any. Rather than proceed to a hearing on the merits, the case was stayed. I left the Federal Programs Branch in 2015. While this habeas case was stayed, the Petitioner was separately charged by the Office of Military Commissions in 2023 for his involvement in the 2002 Bali bombing, among other terrorist activities. In December of 2024, the current government attorneys in the habeas case informed the court that the Petitioner had been transferred to Malaysia. The case nonetheless remains stayed.

Co-Counsel for Respondents:

Timothy Walthall
Terry Marcus Henry
U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 616-5084

Counsel for Petitioner:

Joshua W. Denbeaux
Denbeaux & Denbeaux
372 Kinderkamack Road
Westwood, NJ 07675
(201) 664-8855

Mark Denbeaux
Seton Hall University School of Law
Newark, NJ 07101

(973) 642-8822

3. *Mohammed al-Adahi, et al. v. Barack Obama, et al.*, No. 05-cv-0280 (D.D.C.) (Kessler, J.)

This litigation involved the consolidated petitions for writs of habeas corpus from multiple detainees at Guantanamo Bay. From January of 2009 through April of 2015, I was the lead attorney for the government for the case of Petitioner Suleiman Awadh bin Agil al-Nahdi. I managed exculpatory obligations, drafted a classified motion for judgment on the record, and argued the case in a two-day merits hearing. The court ruled in favor of the Respondents, finding that Petitioner was lawfully detained pursuant the Authorization for Use of Military force as the Respondents had demonstrated by a preponderance of the evidence that Petitioner traveled to Afghanistan after hearing a fatwa calling upon him to fight alongside the Taliban; stayed in al Qaeda guesthouses; received military training at al Qaeda's Al Farouq camp; and traveled to Tora Bora where we was a guard under the command of al Qaeda.

Co-Counsel for Respondents:

John Hunter Bennett
Terry Marcus Henry
U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-4107

Counsel for Petitioner:

Gregory Stuart Smith
Law Offices of Gregory S. Smith
913 East Capitol Street SE
Washington, DC 20003
(202) 460-3381

Richard G. Murphy, Jr.
Sutherland Asbill & Brennan LLP
700 Sixth Street NW
Suite 700
Washington, DC 20001
(202) 383-0635

Brian C. Spahn
Godfrey & Khan, SC
833 East Michigan Street
Suite 1800
Milwaukee, WI 53202

(414) 273-3500

Sara J. Toering
Sutherland Asbill & Brennan LLP
999 Peachtree Street, NE
Atlanta, GA 30309
(404) 853-8000

4. *Yasin Muhammed Basardh v. George Walker Bush, et al.*, No. 5-cv-889
(D.D.C.) (Huvelle, J.)

From January of 2009 through April of 2015, I was the lead attorney for the government in the Guantanamo Habeas case of Yasin Basardh, whom the government alleged was lawfully detained under the Authorization for Use of Military Force. Petitioner filed a motion for summary judgment. In addition to other filings, I drafted and filed Respondents' opposition to the motion and argued the case in a motion hearing held under seal. The court granted Petitioner's motion for judgment, granted his petition for writ of habeas corpus, and ordered Respondents to take all necessary and appropriate diplomatic steps to facilitate the release of the Petitioner. I drafted and submitted subsequent filings under seal.

Co-Counsel for Respondents:

Daniel Mark Barish
Terry Marcus Henry
U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 305-8970

Counsel for Petitioner:

Stephen R. Sady
Steven T. Wax
Federal Public Defender for the District of Oregon
101 SW Main Street
Portland, OR 97204
(503) 326-2123

5. *Abdurrahman Abdallah Ali Mahmoud al Shubati v. Barack Obama, et al.*, No. 7-cv-2338 (D.D.C.) (Kennedy, J.)

From January of 2009 to March of 2010, I was on a team of Justice Department attorneys representing Respondents in this Guantanamo habeas case. I filed a variety of motions, notices, and status reports, some of which were classified or under seal. The case was jointly stayed by the parties and never went to a merits hearing. There was later additional litigation in which I was not involved. In

2015, Respondents filed a notice that the Petitioner had been transferred to Oman.

Co-Counsels for Respondents:

Paul Cirino
Kathryn Mason
Robert J. Prince
Terry Marcus Henry
U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 305-7919

Counsel for Petitioner:

Brent Nelson Rushforth
1112 Cripplegate Road
Potomac, MD 20854
(301) 943-7977

Nicole Travers
Loeb & Loeb, LLP
901 New York Avenue, NW
Suite 300 E
Washington, DC 20001
(202) 618-5030

6. *Achraf Salim Abdessalam v. George Walker Bush, et al.*, No. 1:06-cv-1761 (D.D.C.) (Huvelle, J.)

From January of 2009 to October of 2011, I was on a team of Justice Department attorneys representing Respondents in this Guantanamo habeas case. I filed a variety of motions, notices, and status reports, some of which were classified or under seal. The case was stayed, Petitioner was eventually transferred, and he voluntarily dismissed the case.

Co-Counsel for Respondents:

Paul Ahern
Daniel Barish
Terry Marcus Henry
U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 616-5084

Counsel for Petitioner:

Patricia A. Bronte
Bronte Law LLC
915 W. Gunnison Street
Chicago, IL, 60640
(312) 388-7890

Thomas Sullivan
Jenner & Block
353 N. Clark Street
Chicago, IL 60654
(312) 923-2928

7. *Jihad Dhiab v. Barack Obama, et al.*, No. 05-cv-1457 (D.D.C.) (Kessler, J)

The Petitioner in this Guantanamo habeas case had been cleared for release by the Respondents' Guantanamo Review Task Force in 2009. Still untransferred in 2013, Petitioner began a hunger strike. The Respondents' medical personnel subsequently began enterally feeding Petitioner to preserve his life and health. In 2014, Petitioner's counsel filed a series of motions for temporary restraining orders, preliminary injunctions, and related discovery seeking to end the Respondents' enteral feeding of him. I was part of a team of Justice Department attorneys assigned to work on these issues over the course of several months. I assisted in drafting several related filings. I participated in a two-day hearing on the matter in October of 2014, cross-examining Petitioner's expert witness. In November of 2014, the court ruled in Respondents' favor, denying the Petitioner's motion for a preliminary injunction. In December of 2014, Respondents filed a notice with the court stating that the Petitioner had been transferred to Uruguay.

Co-Counsel for Respondents:

Andrew I. Warden
Ronald J. Wiltsie
Timothy B. Walthall
Federal Programs Branch, Civil Division
U.S. Department of Justice
Washington, DC 20530
(202) 616-5084

Counsel for Petitioner:

Alka Pradhan
Military Commissions Defense Organization
1620 Defense Pentagon
Washington, DC 20301
(703) 588-0446

8. *Judicial Watch v. U.S. Department of Homeland Security*, No. 12-cv-02014

(D.D.C.) (Rothstein, J.)

From around December of 2012 through June of 2014, I was the lead counsel for the Department of Homeland Security in this Freedom of Information Act lawsuit brought by Plaintiff seeking a variety of records pertaining to September 11th hijacker Mohamed Atta. I worked with the Department of Homeland Security to help create a witness declaration. I drafted and filed a motion for summary judgment. The court ruled in Defendant's favor, granting my motion.

Counsel for Plaintiff:

Michael Bekesha
Ramona Raula Cotca
Paul J. Orfanedes
Judicial Watch
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172

9. *Scenic America, Inc. v. U.S. Department of Transportation, et al.*, No. 13-cv-00093 (D.D.C.) (Boasberg, J.)

From approximately March 2013 through April of 2015, I was the lead attorney for the government defendants in this case in which an organization brought suit alleging the Federal Highway Administration had violated the Administrative Procedure Act and the Highway Beautification Act of 1965 when it issued guidance concerning digital billboards and lighting standards. A trade association joined as intervenor defendant. I drafted and filed a motion to dismiss, which the court denied. I managed the production of the administrative record. I also drafted a motion for summary judgment. The court granted Defendants' motion for summary judgment. On appeal, the DC Circuit affirmed in part, vacated and remanded in part. The Supreme Court denied cert. I was not involved in the case beyond the trial level.

Counsel for Plaintiff:

Thomas M. Gremillion
Institute for Public Representation
600 New Jersey Avenue NW
Suite 312
Washington, DC 20001
(202) 662-9549

Co-Counsel for Defendants

Daniel Stephen Garrett Schwei
U.S. Department of Justice
Civil Division, Federal Programs Branch

950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 305-8693

Counsel for Intervenor Defendant

Kannon K. Shanmugan
Paul, Weiss, Rifkind, Wharton & Garrison LLP
2001 K Street NW
Washington, DC 20006
(202) 223-7300

10. *National Veterans Legal Services Program et al. v. U.S. Department of Defense, et al.*, No. 1:14-cv-01915 (D.D.C.) (Mehta, J.)

From approximately November of 2014 through April of 2015, I was the lead attorney for the government defendants in this case, in which two veterans services organizations and two veterans filed suit against the Army Board of Corrections of Military Records alleging the Board's actions in relation to applications by the two veterans violated the Administrative Procedure Act and the Due Process Clause of the Fifth Amendment. I drafted and filed a motion to dismiss, which the court granted. In later developments in the case after I had left the Department of Justice, the parties requested the court amend the order to dismiss, to clarify that it dismissed the case without prejudice.

Plaintiff's Counsel:

Catherine L. Chapple
John A. Trocki III
Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, VA 22102
(703) 760-7700

Stacey M. Sprenkel
Yonatan Braude
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7000

Richard James Vacura
Morrison & Foerster LLP
2100 L Street NW
Suite 900
Washington, DC 20037

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As a trial attorney in the Federal Programs Branch at the Department of Justice, the most significant legal activities I pursued involved representing the government in several *habeas corpus* cases brought against it by detainees at Guantanamo Bay. I was the lead attorney for several of these cases, including ones brought by so-called "High-Value Detainees," i.e., detainees who the government believes were in the leadership of al Qaeda or affiliated terrorist forces. I developed factual records, interviewed witnesses, managed discovery, drafted briefs, and argued the cases in the U.S. District Court for the District of Columbia. Some of the Guantanamo cases did not proceed to a merits hearing.

As Investigative Counsel and Deputy Chief Investigative Counsel in the Senate Judiciary Committee, I led the Committee's investigation of "Russiagate," drafting letters of inquiry, reviewing responsive records, conducting transcribed interviews of several witnesses, and helping organize hearings.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught courses at any academic institutions.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My wife, Kathryn Davis, is a judge on the Court of Federal Claims. During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts stemming from this relationship. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Approximately 80% of my legal career has been devoted exclusively to public service. I have also undertaken various volunteer roles, including serving on the School Advisory

Board of Our Lady of Victory Catholic School, serving on the board of a non-profit organization devoted to keeping drugs away from schools, and volunteering with the Izaak Walton League of America.

AFFIDAVIT

I, Patrick David Davis, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

Feb. 26, 2025

(DATE)

P. D. Davis

(NAME)

Patricia A. Payne
(NOTARY)

District of Columbia

Signed and sworn to (or affirmed) before me
on 2/26/2025 by Patrick D. Davis
Date, Name(s) of Individual(s) making Statement.

Patricia A. Payne
Signature of Notarial Officer

Financial Services Rep.
Title of Office

My commission expires: 8/14/2027

