

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

**PUBLIC**

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

John Andrew Eisenberg

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

Assistant Attorney General, National Security Division, United States 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.

I do not have an office address.

Residence: Alexandria, Virginia

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

February 1967; Boston, Massachusetts.

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.

Yale Law School, 1999 – 2001  
J.D. – June 2001

University of Chicago Law School, 1998 – 1999  
No degree received

University of California, Berkeley, 1993 (est.) – 1998  
PhD Program in Mathematics  
No degree received

Stanford University, 1991 (est.) – 1993 (est.)  
No degree received

Stanford University, 1987 – 1991  
Bachelor's Degree, Mathematics – June 1991

Occidental College, 1984 – 1987  
No degree received

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.

2017 – 2021

The White House

1600 Pennsylvania Avenue, NW

Washington, DC 20500

Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2019 – 2021)

Deputy Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2017 – 2019)

2009 – 2017

Kirkland & Ellis LLP

1301 Pennsylvania Avenue, NW

Suite 1301

Washington, DC 20004

Partner

2004 – 2009

United States Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Associate Deputy Attorney General, Office of the Deputy Attorney General (2008 – 2009)

Deputy Assistant Attorney General, Office of Legal Counsel (2006 – 2008)

Counsel to the Assistant Attorney General, Office of Legal Counsel (2005 – 2006)

Special Assistant for Counterterrorism, Office of Legal Counsel (2004 – 2005)

2003 – 2004

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

Law Clerk to the Honorable Clarence Thomas

2002 – 2003

United States Department of Justice

Office of Legal Counsel

950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Special Assistant

2001 – June 2002  
United States Court of Appeals for the Fourth Circuit  
401 Courthouse Square  
Alexandria, VA 22314  
Law Clerk to the Honorable J. Michael Luttig

Fall 2000/Winter 2001 (est.)  
Yale Law School  
127 Wall Street  
New Haven, CT 06511  
Research Assistant to Professor Robert Ellickson

Summer 2000  
Munger Tolles & Olson LLP  
350 South Grand Avenue, 50th Floor  
Los Angeles, CA 90071  
Summer Associate

Summer 1999  
Skadden, Arps, Slate, Meagher & Flom LLP  
2000 Avenue of the Stars, Suite 200N  
Los Angeles, CA 90067  
Summer Associate

1994 (est.) – 1998 (est.)  
University of California, Berkeley  
Department of Mathematics  
970 Evans Hall  
Berkeley, CA 94720  
Graduate Student Instructor

1996 (est.) – 1998 (est.)  
University of California, Berkeley  
Haas School of Business  
2220 Piedmont Avenue  
Berkeley, CA 94720  
Research Assistant to Professor Thomas Marschak

1991 (est.) – 1993 (est.)  
Stanford University  
Department of Chemistry  
333 Campus Drive  
Stanford, CA 94305  
Research Assistant to Professor Edward Solomon

Uncompensated Affiliations:

2021 – Present  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW  
Washington, DC 20408  
Representative

2011 (est.) – 2017  
Oak Ridge National Laboratory's Global Security Directorate  
Strategic Advisory Group  
5200, 1 Bethel Valley Road  
Oak Ridge, TN 37830  
Member

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 United States 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.

National Intelligence Superior Service Medal (2021).

Department of Defense Medal for Distinguished Public Service (2020).

Assistant Attorney General Award for Special Initiative, National Security Division (December 2008).

Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security (2007).

Intelligence Community Legal Award for Team of the Year, 2007 and 2008  
Yale Law Journal, Articles Editor (2000 – 2001).

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.

Federalist Society for Law and Public Policy Studies

Member, 2021 (est.) – Present

Member International & National Security Practice Group Executive Committee,  
2021 (est.) – Present

Student Member, 1998 (est.) – 2001 (est.)

Heritage Foundation National Security Law Working Group

Member, 2021 (est.) – Present

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.

California, June 2005.

District of Columbia, March 2010.

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.

Northern District of Illinois, 2010 (est.).

Northern District of California, 2010 (est.).

To my knowledge, there have been no lapses in membership.

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.

Federalist Society for Law and Public Policy Studies

Member, 2021 (est.) – Present  
Member, International & National Security Practice Group Executive  
Committee, 2021 (est.) – Present  
Student Member, 1998 (est.) – 2001 (est.)

Heritage Foundation National Security Law Working Group  
Member, 2021 (est.) – Present

- 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:

*Executive Order on Cybersecurity Begins Standard-Setting Process*, Kirkland & Ellis LLP, Feb. 15, 2013. Copy supplied.

*\$42 Million Blackwater Settlement Demonstrates ITAR Enforcement on the Rise*, Kirkland & Ellis LLP, Sept. 23, 2010. Copy supplied.

*U.S. Sentencing Commission Proposes Changes Regarding Sentencing of Corporations*, Kirkland & Ellis LLP, Feb. 16, 2010. Copy supplied.

*U.S. Department of Justice Arrests 22 in Unprecedented FCPA Sting Operation*, Kirkland & Ellis LLP, Jan. 22, 2010. Copy supplied.

*United States Attorney General Pledges Unprecedented DOJ Focus on Financial Fraud*, Kirkland & Ellis LLP, Jan. 12, 2010. Copy supplied.

*Serious Fraud Office Brings Overseas Corruption Charges Against British Executive*, Kirkland & Ellis LLP, Dec. 11, 2009. Copy supplied.

*DOJ Vows to Scrutinize Pharmaceutical Companies under the FCPA*, Kirkland & Ellis LLP, Nov. 16, 2009. Copy supplied.

*The Fraud Enforcement and Recovery Act of 2009*, Kirkland & Ellis LLP, May 29, 2009. Copy supplied.

*Department of Justice Announces That Antitrust Division Will Begin More Aggressive Antitrust Enforcement Campaign*, Kirkland & Ellis LLP, May 15, 2009. 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:

*Principles for Insurrection Act Reform*, A.L. I., Apr. 5, 2024. Copy supplied.

*Legal Authorities Supporting the Activities of the National Security Agency Described by the President*, U.S. Dep't of Just., Jan. 19, 2006. 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:

*Department of Justice Authority to Represent the Secretary of Housing and Urban Development in Certain Potential Suits*, 31 Op. O.L.C. 212 (Oct. 10, 2007). Copy supplied.

*Modernization of the Foreign Intelligence Surveillance Act: Hearing on H.R.*

5825 Before the Subcomm. on Crime, Terrorism, and Homeland Security of the H. Comm. on the Judiciary, 109TH CONG. (Sept. 12, 2006). Copy supplied.

- 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. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Dec. 6, 2023: Panelist, *Reforming the Classification System: Challenges, Approaches, and Priorities*, Washington, DC. Recording available at: <https://fedsoc.org/events/reforming-the-classification-system-challenges-approaches-and-priorities>.

Sept. 5, 2023: Speaker, *2023 Annual Mike Lewis Memorial Teleforum: Big Data and the Law of War (Webinar)*, Washington, DC. Recording available at: <https://fedsoc.org/events/2023-annual-mike-lewis-memorial-teleforum-big-data-and-the-law-of-war>.

- 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:

*Ex-Officials Urge Curbing Presidential Power to Deploy Troops on U.S. Soil*, N.Y. TIMES (Apr. 8, 2024). Copy supplied.

*Coca-Cola Must Face Ex-Employee's Identity Theft Suit, Judge Says*, WESTLAW Intellectual Property Daily Briefing (Oct. 7, 2015). Copy supplied.



*Trump Watch – Inside Man?*, MSNBC Television Broadcast (Mar. 31, 2017).  
Recording available at: <https://www.youtube.com/watch?v=NRGnbSvtngs>.

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 United States Department of Justice:

Special Assistant for Counterterrorism, Office of Legal Counsel, 2004 – 2005.  
I was appointed by Attorney General John Ashcroft.

Counsel to the Assistant Attorney General, Office of Legal Counsel, 2005 – 2006.  
I was appointed by Attorney General Alberto R. Gonzales.

Deputy Assistant Attorney General, Office of Legal Counsel, 2006 – 2008.  
I was appointed by Attorney General Alberto R. Gonzales.

Associate Deputy Attorney General, 2008 – 2009.  
I was appointed by Attorney General Michael B. Mukasey.

I have held the following appointed positions at the White House:

Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council, 2019 – 2021.  
I was appointed by President Trump.

Deputy Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council, 2017 – 2019.  
I was appointed by President Trump.

- 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, but I have not held a position or played a formal role in a political campaign.

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;

From 2001 to 2002, I served as a law clerk to the Honorable J. Michael Luttig, then of the United States Court of Appeals for the Fourth Circuit.

From 2003 to 2004, I served as a law clerk to the Honorable Clarence Thomas of the Supreme Court of the United States.

- 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.

2002 – 2003

United States Department of Justice  
Office of Legal Counsel  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Special Assistant

2004 – 2009

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Associate Deputy Attorney General (2008 – 2009)  
Deputy Assistant Attorney General (2006 – 2008)  
Counsel to the Assistant Attorney General (2005 – 2006)  
Special Assistant for Counterterrorism (2004 – 2005)

2009 – 2017

Kirkland & Ellis LLP  
1301 Pennsylvania Avenue, NW  
Suite 1301

Washington, DC 20004  
Partner

2017 – 2021

The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Deputy Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2017 – 2019)

Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2019 – 2021)

- 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.

As a law clerk, from 2001 to 2002, I helped prepare my judge for oral argument and assisted him in drafting opinions. At the Supreme Court, from 2003 to 2004, in addition to these responsibilities, I reviewed petitions for certiorari and provided advice about whether petitions should be granted.

Between my clerkships and again at the conclusion of my Supreme Court clerkship, I joined the United States Department of Justice, where I served from 2002 to 2003 and 2004 to 2009 in various capacities. My responsibilities centered on national security, including intelligence and counterterrorism issues. Both as a Deputy Assistant Attorney General in the Office of Legal Counsel and as an Associate Deputy Attorney General, I advised the Attorney General, the Deputy Attorney General, the Counsel to the President, the Legal Advisor to the National Security Council, the General Counsel of the Department of Defense, and various general counsels in the Intelligence Community on complicated national security matters. As an Associate Deputy Attorney General, I helped to oversee the national security functions of the Department of Justice, including litigation of various issues throughout the Nation and in the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review; the Department's role with respect to the Committee on

Foreign Investment in the United States; and designations under the International Emergency Economic Powers Act and similar authorities.

From 2009 to 2017, I was a partner at Kirkland & Ellis LLP. My practice initially focused on white collar criminal defense and internal investigations. I worked on cases in both trial and appellate courts, including drafting research memoranda, motions, and briefs. Towards the end of my time at Kirkland & Ellis, my practice shifted; I focused increasingly on cybersecurity and other data security issues as well as some national security work.

From 2017 to 2021, I served as the Legal Advisor to the National Security Council. In that capacity, I advised the President of the United States, senior members of the White House, and members of the National Security Council on national-security and foreign-relations law. In that role, I also worked on legal disputes between various components of the United States government involved in national security.

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

While associated with Kirkland & Ellis, from 2009 to 2017, I specialized in white collar criminal defense and internal investigations, advising corporate clients on their legal obligations. On account of my technical background, I also worked on litigation involving engineering, science, and mathematics.

- 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.

I have litigated several matters in federal court. Because much of my private sector and government work has involved counseling rather than litigation, my court-related work has varied based on the nature of the matters I was overseeing at any given time.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 100%
- 2. state courts of record: %
- 3. other courts: %
- 4. administrative agencies: %

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 50%
- 2. criminal proceedings: 50%

- 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.

To my recollection, while in private practice, I was counsel in a matter tried to final verdict and counsel in another matter that resolved through a plea agreement. While in government, I was involved in litigation before various federal courts, the Foreign Intelligence Surveillance Court and Court of Review, particularly in matters involving the Terrorist Surveillance Program and reform of FISA.

- i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 0%   |
| 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 litigated before the Supreme Court.

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

Although I worked on many litigation matters during my time in private practice and government service, I no longer have records of the matters upon which I worked. I have located the following based on a search of public records:

- In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, Case No. 2:10-md-02179-CJB-SS (E.D. La. Jan. 15, 2015) (Judge Barbier).

I represented BP in the quantification phase of the BP Deepwater Horizon oil spill

case and was one of the main lawyers responsible for the expert case. The case was highly technical and drew upon experts all over the world. The government argued that the best estimate of the total flow from the well over the life of the spill was five million barrels. The Court, however, adopted the reasoning put forward by one of BP's experts, Martin Blunt, and concluded that four million barrels had flowed from the well, substantially less than the number of barrels the government had claimed. This, in turn, significantly lowered BP's eventual fine under the Clean Water Act.

Co-Counsel:

Richard Godfrey  
Quinn Emanuel  
191 N. Wacker Drive  
Suite 2700  
Chicago, IL 60606  
312-705-7400

Matthew T. Regan  
Kirkland & Ellis LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
312-862-2431

Martin R. Boles  
Kirkland & Ellis LLP  
555 South Flower Street  
Suite 3700  
Los Angeles, CA 90071  
213-680-8428

Counsel for Plaintiff:

John C. Cruden  
Beveridge & Diamond  
1900 N Street, NW  
Washington, DC 20036

Steven O'Rourke  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Sarah D. Himmelhoch  
Department of Justice  
950 Pennsylvania Avenue, NW

Washington, DC 20530

2. *United States v. BP Exploration & Production, Inc.*, case 2:12-cr-00292-SSV-DEK (E.D. La. Jan. 29, 2013) (Judge Vance).

I worked extensively on various criminal and securities claims by the United States against BP arising out of the Deepwater Horizon accident. My work focused on the government's claims that BP had misled the public regarding the amount of oil that flowed from the well during the spill. Those claims were resolved by guilty plea. Pursuant to the agreement, BP agreed to pay the United States \$4 billion in criminal fines and penalties. BP also agreed to a \$525 million penalty to settle Securities and Exchange Commission charges of securities fraud for alleged violations of Sections 10(b) and 13(a) of the Securities Exchange Act of 1934 and Rules 10b-5, 12b-20, and 13a-16.

Co-Counsel:

Mark Filip  
Kirkland & Ellis LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
(312) 862-2192

John Lausch  
Kirkland & Ellis LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
(312) 862-0505

Joel S. Green  
WilmerHale  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037  
202-663-6936

Counsel for the United States:

Derek A. Cohen  
Baker Botts  
700 K Street, NW  
Washington, DC 20001  
(202) 639-7704

Avi Gesser  
Debevoise & Plimpton  
66 Hudson Boulevard

New York, NY 10001  
(212) 909-6577

3. *In re Directives to Yahoo! Inc. Pursuant to Section 105B of the Foreign Intel. Surveillance Act*, No. 08-01, 551 F.3d 1004; 2008 WL 10632524, (Foreign Intel. Surv. Ct. of Review Aug. 22, 2008) (Chief Judge Bruce M. Selya, Winter, Arnold.)

I represented the United States in this challenge to certain amendments made to the Foreign Intelligence Surveillance Act of 1978 (FISA), known as the Protect America Act of 2007 (PAA). The amendments authorized the government to direct Yahoo! to assist the government in acquiring foreign intelligence when those acquisitions targeted third persons (such as the service provider's customers) reasonably believed to be located outside the United States.

Yahoo! challenged the legality of the directives before the Foreign Intelligence Surveillance Court (FISC). The FISC held the directives to be lawful and compelled Yahoo! to provide the assistance to the government. Yahoo! petitioned for review before the Foreign Intelligence Surveillance Act Court of Review (Court of Review). The Court of Review held that Yahoo!'s petition presented constitutionally significant matters of first impression, requiring that court to weigh the nation's security interests against the Fourth Amendment privacy interests of United States persons. The three-judge panel of the Court of Review affirmed the FISC's ruling, holding that the directives were lawful and that Yahoo! had to comply with them.

Co-Counsel:

Gregory G. Garre  
Latham & Watkins LLP  
555 Eleventh Street, NW  
Suite 1000  
Washington, DC 20004  
(202) 637-2207

Michael B. Mukasey  
Debevoise & Plimpton LLP  
66 Hudson Boulevard  
New York, NY 10001  
(212) 909-6589

Mark Filip  
Kirkland & Ellis LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
(312) 862-2192



Counsel for Plaintiff:

Marc J. Zwillinger  
ZwillGen PLLC  
1900 M Street, NW  
Suite 250  
Washington, DC 20036  
(202) 296-3585

4. *United States v. Huang*, 3:10CR00579, (N.D. Cal. 2010) (Judge Susan Illston).

I represented Wen-Hung “Amigo” Huang in this criminal case. Huang was the sales director at Chi Mei Optoelectronics Corporation (“Chi Mei”), a company based in Taiwan. Chi Mei manufactured thin-film transistor liquid crystal display panels (“TFT-LCD”). The United States alleged that from September 2001 until December 2006, Huang and at least five co-conspirators within his company and from other companies engaged in price fixing of TFT-LCDs in the United States and elsewhere in violation of Section One of the Sherman Antitrust Act. Under the United States Sentencing Guidelines, Huang’s appropriate range of sentence was from 51 to 63 months in prison, one year of supervised release, restitution, and a maximum fine of \$1 million. Based upon Huang’s substantial cooperation and the over \$200 million in civil penalties the United States sought in related antitrust litigation, I negotiated an agreed-upon sentence of 270 days in prison, no supervised release, no restitution, and a \$25,000 fine. In August 2010, Huang pleaded guilty and the court imposed the agreed upon sentence.

Counsel for the United States:

Naill E. Lynch  
Latham & Watkins LLP  
505 Montgomery Street  
Suite 2000  
San Francisco, CA 94117  
(415) 395-8162

Heather S. Tewksbury  
Cleary Gottlieb  
650 California Street  
San Francisco, CA 94108  
(415) 796-4480

5. *City of Livonia Employees' Ret. Sys. v. Boeing Co.*, No. 09 C 7143, 2010 WL 2169491, Fed. Sec. L. Rep. P 95,751 (N.D. Ill. May 26, 2010); 2010 WL

2836361 (N.D. Ill. Jun. 22, 2010) (Judge Suzanne B. Conlon).

I represented The Boeing Company and several of its executives in a putative class action securities fraud case brought by the City of Livonia Employees' Retirement System under sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5. The plaintiffs alleged defendants intentionally deceived investors about the test and delivery schedule for defendants' new 787 Dreamliner airplane. On May 26, 2010, the District Court granted defendants' Motion to Dismiss, holding that the amended complaint had failed to allege material misstatements or omissions about the 787's flight and delivery schedule with the intent to deceive investors. The District Court dismissed the complaint without prejudice and subsequently allowed the plaintiffs to file a second amended class action complaint.

Co-Counsel:

Mark Filip  
Kirkland & Ellis LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
(312) 862-2192

Counsel for Plaintiffs:

Thomas E. Egler Partner  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway  
Suite 1900  
San Diego, CA 92101  
(619) 231-1058

Marvin Alan Miller  
Miller Law LLC  
53 W. Jackson Boulevard  
Suite 1320  
Chicago, IL 60604  
(312) 332-3400

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.)

I have worked extensively on many areas of national security law during my time in government. This work has ranged from opining on the legality of important classified government programs and proposed actions taken to protect against specific threats to the national security. The details of most of this work remain classified. Broadly, I have formulated and helped to put into place enduring structures through which the government can undertake a range of activities, including mechanisms to approve cyber operations. In the private sector, I helped companies better protect their information and systems from attack and mistakes.

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.

As a graduate student instructor at the University of California, Berkely, I taught sections of differential and integral calculus, linear algebra, and algorithms. I do not have the syllabi for those courses.

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.

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 will enter into with the Department's designated agency ethics official. If confirmed, I will 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.

During my time both in private practice and the government, mentoring junior attorneys formally and informally has been very important to me. I have sought to include them to the greatest practical degree in all aspects of the practice of law. In addition, I have supported colleagues across the nation with their work, including by being available to moot them pro bono ahead of important cases before various federal courts.

AFFIDAVIT

I, John A. Eisenberg, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

2/24/25

(DATE)

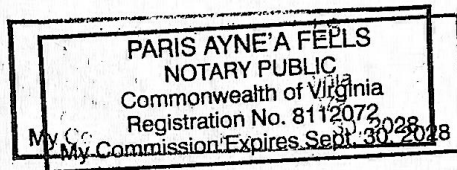
John A. Eisenberg

(NAME)

County/City: Alexandria  
Commonwealth: Virginia  
The foregoing is true and correct as I have acknowledged  
Before me: 24th February 2025

John A. Eisenberg  
(name) (signature)  
Paris

Notary: Paris  
My Commission Expires: 09/30/2028



(NOTARY)