

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

John Philip Carlin

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

Assistant Attorney General for National Security

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.

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

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

1973; New York, New York

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.

Harvard Law School
1996-1999
J.D., June 1999

Williams College
1991-1995
B.A., June 1995

Oxford University, Exeter College
1993-1994
Junior year abroad

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.

United States Department of Justice
National Security Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Acting Assistant Attorney General (March 2013-present)
Principal Deputy Assistant Attorney General and Chief of Staff (August 2012-March 2013, and while on detail from the Federal Bureau of Investigation, est. July 2011-July 2012)

Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20530
Chief of Staff and Senior Counsel to the Director (February 2010-est. July 2011)
Acting Chief of Staff and Senior Counsel to the Director (est. August 2009-February 2010)
Deputy Chief of Staff and Counselor to the Director (March 2009-est. August 2009)
Special Counsel to the Director (on detail from the United States Attorney's Office for the District of Columbia) (July 2007-February 2009)

United States Department of Justice
Criminal Division, Computer Crime & Intellectual Property Section
10th & Constitution Ave., NW
John C. Keeney Building, Suite 600
Washington, DC 20530
National Computer Hacking and Intellectual Property Program Coordinator
(on detail from the United States Attorney's Office for the District of Columbia)
(January-June 2007)

United States Attorney's Office for the District of Columbia
555 4th Street, NW
Washington, DC 20001
Assistant United States Attorney (October 2001-February 2009) (on detail to the U.S. Department of Justice Criminal Division from January-June 2007 and to the Federal Bureau of Investigation from July 2007-February 2009 as noted above)
Special Assistant United States Attorney (est. February 2000-June 2000) (on detail from the U.S. Department of Justice Tax Division)

United States Attorney's Office for the District of Arizona
405 W. Congress Street, Suite 4800
Tucson, AZ 85701
Special Assistant U.S. Attorney (on detail from the U.S. Department of Justice Tax Division) (June-December 2000)

United States Department of Justice
Tax Division, Criminal Enforcement
600 E Street, NW
Washington DC 20530

Trial Attorney (October 1999-October 2001) (on detail to the United States Attorney's Office for the District of Columbia from est. February 2000-June 2000 and to the United States Attorney's Office for the District of Arizona from June-December 2000 as noted above)

Debevoise and Plimpton
919 3rd Avenue
New York, NY 10022
Summer Associate (June 1998-August 1998)

Office of the Public Advocate for the City of New York
1 Centre Street
New York, NY 10007
Summer Legal Intern (June 1997-August 1997)

Gifford Miller for New York City Council '96
336 E 73rd Street, Suite C
New York, NY 10021
Campaign Manager (est. June 1996-est. August 1996)

Freedom House Inc.
120 Wall Street
New York, NY 10005
Project Officer (June 1995-June 1996)

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.

Samuel J. Heyman Fellowship for Federal Government Service (2000)
Department of Justice Award for Special Achievement (five-time recipient, various dates)
Harvard Journal on Legislation, Articles Editor (1998-1999)
Phi Beta Kappa (1995)

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.

Associate-at-Large, Edward Bennett Williams Inn of Court, est. 2003 to 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.

2000, New York Bar. I have had 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.

As an Assistant United States Attorney, a Special Assistant United States Attorney and as a Trial Attorney for the Department of Justice, I appeared regularly in the United States District Court for the District of Columbia and I appeared in the United States District Courts for the District of Arizona and Boston. I do not recall being required to acquire separate admission to appear before these courts.

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.

None other than that listed in my response to Question 9.

I have made financial contributions to charitable organizations over the years. I have not included any organizations to which I gave funds and did not otherwise participate in organizational activities, although the organization may label me a member because of my contribution.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate 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. If so, describe any action you have taken to change these policies and practices.

Not to my knowledge.

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 published materials, 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:

Book review, *Harvard Journal on Legislation*, Summer 1997 (cite: 34 Harv. J. on Legis. 611) (copy supplied).

Op-ed, *New York Daily News*, July 24, 1995 *Don't Honor Singapore PM* (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.

None.

- 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.

None.

- 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 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:

Keynote Speaker, ABA Standing Committee on Law and National Security Breakfast Program, "Perspectives from the National Security Division," September 19, 2013 (copy supplied).

Panelist, 2013 Aspen Institute on "Law Enforcement and National Security," July 20, 2013 (no transcript located, but video available at <http://www.aspeninstitute.org/video/law-enforcement-national-security>).

Keynote Speaker, 2013 ABA Homeland Security Law Institute on "An Overview of the U.S. Department of Justice's National Security Division and What to Expect in 2013" June 20, 2013 (copy supplied).

Panelist, Edward Bennett Williams American Inn of Court, "Economic Espionage: national security issues confronting white collar practitioners, from cyber intrusions to export control and sanctions," October 18, 2012 (no notes or transcript available).

Panelist, 2012 ABA Homeland Security Law Institute on "A Look at Homeland Security Legal and Policy Issues," March 22, 2012 (copy supplied).

Panelist, American University Washington College of Law panel discussion entitled "Ten Years After 9/11: the Changing Terrorist Threat," September 8, 2011 (copy supplied).

Keynote Speaker, "Safety and Social Networks: the Challenge of Community Policing in a Virtual Neighborhood," at Berkeley Law School, October 23, 2009 (no transcript located, but audio available at <http://www.law.berkeley.edu/7458.htm>).

Panelist, Princeton Forum on Public Service, "Panel: Perspectives from the Next Generation," November 8, 2007. I spoke on the benefits of a public service career (no notes or transcript available).

Panelist, Edward Bennett Williams American Inn of Court, "Recovery and Use of Electronic Data in Internal Inquiries and Criminal Cases," March 15, 2007 (no notes or transcript available).

Opening Remarks, Federal Trade Commission Hearings on Protecting Consumers in the Next Tech-ade, November 9, 2006 (no notes or transcript available).

Speaker, Partnership for Public Service Third Annual Gala honoring Senator John McCain. I spoke on the benefits of a public service career (est. June 2005) (no notes or transcript available).

- 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 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:

Interview with Garrett Graff, author of *The Threat Matrix*. I am quoted on page 594 of *The Threat Matrix*. Published in March 2011. (copy of chapter in which quote appears supplied).

Interview with Sari Horowitz of *The Washington Post*. "Justice Department trains prosecutors to combat cyber espionage." July 25, 2012. (copy supplied).

Interview with Aram Roston of *C4ISR Journal*. "DOJ Plans to Indict State-Sponsored Cyber Attackers." Article printed December 18, 2012. (copy supplied).

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 never been a candidate for public office, although as listed in answer to Q6, I have held a number of positions in the federal government.

- 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.

Campaign Manager for the Gifford Miller for City Council '96 campaign from June of 1996 (est.) to August of 1996 (est.).

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 served as a clerk.

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.

United States Department of Justice
National Security Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Acting Assistant Attorney General (March 2013-present)
Principal Deputy Assistant Attorney General and Chief of Staff
(on detail, est. July 2011-July 2012) (August 2012-March 2013)

Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20530
Chief of Staff and Senior Counsel to the Director (February 2010-est July 2011)
Acting Chief of Staff and Senior Counsel to the Director (August 2009-February 2010)
Deputy Chief of Staff and Counselor to the Director (March 2009-est. August 2009)
Special Counsel to the Director (on detail from the United States Attorney's Office for the District of Columbia) (July 2007-February 2009)

U.S. Department of Justice
Criminal Division, Computer Crime & Intellectual Property Section
10th & Constitution Avenue, NW
John C. Keeney Building, Suite 600
Washington, DC 20530
National Computer Hacking and Intellectual Property Program
Coordinator
(on detail from the United States Attorney's Office for the District of Columbia) (January-June 2007)

United States Attorney's Office for the District of Columbia
555 4th Street, NW
Washington, DC 20001

Assistant United States Attorney (October 2001-February 2009) (on detail to the U.S. Department of Justice Criminal Division from January-June 2007 and to the Federal Bureau of Investigation from July 2007-February 2009 as noted above)

Special Assistant United States Attorney (est. February 2000-June 2000) (on detail from the U.S. Department of Justice Tax Division)

United States Attorney's Office for the District of Arizona
405 W. Congress Street, Suite 4800
Tucson, AZ 85701

Special Assistant U.S. Attorney (on detail from the U.S. Department of Justice Tax Division) (June-December 2000)

U.S. Department of Justice
Tax Division, Criminal Enforcement
600 E Street, NW
Washington DC 20530

Trial Attorney (October 1999-October 2001) (on detail to the United States Attorney's Office for the District of Columbia from est. February 2000-June 2000 and to the United States Attorney's Office for the District of Arizona from June-December 2000 as noted above)

Debevoise and Plimpton
919 3rd Avenue
New York, NY 10022
Summer Associate (June 1998-August 1998)

Office of the Public Advocate for the City of New York
1 Centre Street
New York, NY 10007
Summer Legal Intern (June 1997-August 1997)

- 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 October 1999 to the present, I served primarily as a prosecutor and as an advisor and supervisor of national security, law enforcement and litigation matters at the Department of Justice and the Federal Bureau of Investigation. As a prosecutor, the cases I handled ranged from homicide and sexual offenses to cyber, intellectual property, fraud, and public corruption crimes.

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

I have served one client throughout my career: the United States. The areas in which I have specialized are criminal prosecution, national security, and law enforcement.

- 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.

From 1999 to the beginning of 2007 nearly 100% of my work was litigation.

- i. Indicate the percentage of your practice in:

1. federal courts 65%;
2. state courts of record 35%;
3. other courts 0%;
4. administrative agencies 0%

- ii. Indicate the percentage of your practice in:

For the periods during which I litigated

1. civil proceedings, 0%;
2. criminal proceedings, 100%.

- 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 tried approximately 40 cases. In roughly 3/4 of the cases I was sole counsel and 1/4 joint counsel. I have not tried a case that went to verdict with more than one co-counsel.

- i. What percentage of these trials were:
 1. jury 50%;
 2. non-jury 50%.

The non-jury trials occurred during my detail to the United States Attorney's office for the District of Columbia in the domestic violence section of that office. The majority of the misdemeanor trials were resolved by plea or bench trial. I believe I tried approximately twenty bench trials.

From 1999-2001 while serving as a trial attorney in the Tax Division's criminal section, in addition to my criminal caseload, I served on two details to United States Attorneys Offices – the District of Arizona and the District of Columbia. In each I practiced criminal litigation: in the former, I appeared regularly in federal court and in the latter, in the Superior Court for the District of Columbia. I also worked briefly on detail on one oversight matter. When I permanently joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney in 2001, all of my work was in the criminal arena. Until 2007, I appeared in court, often on a daily basis, in the District of Columbia Superior Court and the United States District Court in the District of Columbia. In 2007, I was detailed to the Criminal Division to serve as the National Computer Hacking and Intellectual Property Program Coordinator. The detail involved coordinating complex federal criminal litigation matters. From the latter half of 2007 to 2011, while I was at the FBI, my work did not often involve litigation, and I did not have occasion to appear in court. In 2011, I moved to the National Security Division, first as Principal Deputy Assistant Attorney General and Chief of Staff and now as Acting Assistant Attorney General. I currently oversee the lawyers in the National Security Division, including on litigation matters.

- 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 argued any cases before the Supreme Court, nor have I served as the primary author on any briefs submitted to the Court. However, in my capacity as Acting Assistant Attorney General of the National Security Division, and in accordance with Department procedure, my name appeared on briefs filed in the U.S. Supreme Court (including briefs filed at the certiorari stage and briefs filed at the merits stage).

I am listed on the following briefs filed in the Supreme Court, according to searches of electronic databases:

Merits Brief

Bond v. United States, No. 12-158

Briefs in Opposition to Certiorari

In re Electronic Privacy Information Center, No. 13-58

Ali v. United States, No. 12-805

Stewart v. United States, No. 12-8891

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:

- a. the date of representation;
- b. 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) *United States v. Modou Camara, et al.*, 02-cr-00157 (Judge Roberts, United States District Court for the District of Columbia). Served as prosecutor in mortgage fraud case with nine counts of fraud against the main defendant. Case against Modou Camara was tried from October 23, 2003 – November 4, 2003. The remaining defendants pleaded guilty. Modou Camara was sentenced to 60 months' incarceration on each count to run concurrently, and ordered to pay \$1,116,440.90 in restitution. Co-defendants Audrey Waite and Baboucarr Lowe were sentenced to incarceration, and charges against remaining co-defendants were dismissed.

Co-counsel:

Sarah Chasson (then Assistant U.S. Attorney in the District of Columbia)
The Mintz Group
1150 18th Street NW
Suite 500
Washington, DC 20036
(202) 887-9100

Defense counsel:

Elise Haldane (Modou Camara)
303 E Street, NE
Washington, DC 20002

(202) 659-8700

Bravitt Manley, Jr. (Ajola Faal, Howsoon Cham)
5204 Knoughton Way
Centreville, VA 20120
(202) 262-7505

John Briley (Audrey Waite)
6205 30th Street, NW
Washington, DC 20015
(202) 364-7012

Joanne Hepworth (Samba Camra)
601 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
(202) 220-3025

William Spencer (Baboucarr Lowe)
Federal Public Defender
625 Indiana Avenue, NW
Suite 550
Washington, DC 20004
(202) 208-7500

- (2) *United States v. Caroline Deforest*, F-285-04 (Judge Richter, District of Columbia Superior Court). Served as prosecutor in case involving voluntary manslaughter and child cruelty charges. The defendant tortured and murdered a baby girl. The defendant pleaded guilty in 2004 and was sentenced on August 22, 2005 to 17 years' incarceration.

Co-counsel:

Deborah Connor
United States Attorney's Office
District of Columbia
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7871

Defense counsel:

Santha Sonenberg
Federal Public Defender
633 Indiana Avenue, NW
Washington, DC 20004
(202) 628-1200

- (3) *United States v. Mitchell Wade*, 06-cr-00049 (Judge Ricardo Urbina, United States District Court for the District of Columbia). Served as prosecutor in case involving bribery and a scheme to defraud. The defendant pleaded guilty on February 25, 2006, to bribing former Congressman “Duke” Cunningham, corrupting defense officials and election fraud. He cooperated and was sentenced to 30 months’ imprisonment and assessed a \$250,000 fine.

Co-counsel:

Howard Sklamberg (then Assistant U.S. Attorney in the District of Columbia)
Food and Drug Administration
Office of Compliance, Center for Drug Evaluation and Research
Building WO 51
Silver Spring, MD 20993
(301) 796-8314

Defense counsel:

Howard Shapiro
Wilmer Hale
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6606

The Honorable Ronald C. Machen, Jr. (then an attorney in private practice)
United States Attorney’s Office
District of Columbia
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7566

- (4) *United States v. Leslie Simms*, 2004 FEL 005747 (Judge Patricia Broderick, District of Columbia Superior Court). Served as lead prosecutor in case involving voluntary manslaughter. The defendant pleaded guilty and was sentenced to 14 years’ incarceration.

Defense counsel:

Sean P. Kanuck
725 17th Street, NW
Room 3020
Washington, DC 20503
(917) 833-4282

- (5) *United States v. Ajene Kigozi*, formerly known as Walter Johnson, Jr., F-7618-01 (Judge Patricia Broderick, District of Columbia Superior Court). Served as lead prosecutor in first-degree murder case. The defendant was convicted in April 2003 and sentenced to 35 years' incarceration. In 2012, after I was no longer a prosecutor in the U.S. Attorney's Office for the District of Columbia, the defendant's conviction was overturned by the District of Columbia Court of Appeals based on ineffective assistance of counsel (appellate case nos. 03-CF-1181 & 07-CO-684). In July 2013, the defendant pleaded guilty to one count of second degree murder while armed. The defendant is scheduled to be re-sentenced in October 2013.

Defense counsel:

Ken Robinson
717 D Street, NW
Fourth Floor
Washington, DC 20004
(301) 762-2909

- (6) *United States v. Monwell T. Onley*, F-5490-02 (Judge Rafael Diaz, District of Columbia Superior Court). Served as prosecutor in aggravated assault case. On August 16, 2002, innocent bystander Jacqueline Clark, a child, was shot in the hip as she tried to escape gunfire. Trial took place from March 3-14, 2003. The defendant was convicted of aggravated assault while armed, possession of a firearm during the commission of a crime of violence, and carrying a pistol without a license. The defendant was sentenced to consecutive terms of imprisonment: twenty years for the aggravated assault while armed, thirteen years for the possession of a firearm during the commission of a crime of violence, and three years for carrying a pistol without a license.

Defense counsel:

Jon Norris
503 D Street, NW
Suite 250
Washington, DC 20001
(202) 559-1167

- (7) *United States v. Gwendolyn Tann*, 03-cr-00175, (Judge Colleen Kollar-Kotelly, United States District Court for the District of Columbia). Served as lead prosecutor in bank fraud case. Defendant was charged with 18 counts of federal bank fraud, one count of federal wire fraud, and one count of fraud in the first degree under District of Columbia law. Trial took place from March 29-31, 2006 and the defendant was found guilty on all counts. The defendant was sentenced on September 7, 2006 to 30 months' incarceration on the federal fraud counts, and 10 months on the District of Columbia offense to run consecutive.

Co-counsel:

Timothy Lynch (then Assistant U.S. Attorney in the District of Columbia)
Vice President and General Counsel
University of Michigan
503 Thompson Street
5010 Fleming Building
Ann Arbor, MI 48109
(734) 764-0305

Defense counsel:

Howard Katzoff
717 D Street, NW
Suite 310
Washington, DC 20004
(202) 783-6414

- (8) *United States v. Abdul Khanu*, 09-cr-00087, (Judge Colleen Kollar-Kotelly, United States District Court for the District of Columbia). Served as prosecutor in tax evasion case. The defendant ran two cash-intensive nightclubs in the District of Columbia area, VIP and Platinum, and was charged with two counts of tax evasion for the years 2002 and 2003. Law enforcement officers seized 1.9 million dollars from a safe in the defendant's Potomac, MD home. Upon my detail to DOJ's Computer Crime and Intellectual Property Section, the case was transferred and tried by another prosecutor. The defendant was found guilty.

Co-counsel:

John Roth (then Assistant U.S. Attorney in the District of Columbia)
Food and Drug Administration
Office of Criminal Investigations
10903 New Hampshire Avenue
Silver Spring, MD 20993
(240) 276-9461

Defense counsel:

William R. Martin
Martin & Gitner, PLLC
2121 K Street, NW
Suite 850
Washington, DC 20037
(202) 331-2121

Kerry Verdi
Martin & Gitner, PLLC
2121 K Street, NW
Suite 850
Washington, DC 20037
(202) 442-3511

- (9) *United States v. Benjamin Stark*, 04-cr-00195, (Judge Rosemary Collyer, United States District Court for the District of Columbia). Served as lead prosecutor in case involving computer hacking of United States Government computer systems. The defendant pleaded guilty in 2004 and was sentenced in 2005.

Co-counsel:

Michelle Merola (then Assistant U.S. Attorney in the District of Columbia)
Hodgson Russ LLP
140 Pearl Street, Suite 100
Buffalo, NY 14202
(716) 848-1686

Defense counsel:

Gregory Lawrence Poe
Poe & Burton PLLC
1030 15th Street NW
Suite 580 West
Washington, DC 20005
(202) 583-2500

- (10) *United States v. Bryan Tanner*, 05-cr-00164 (Judge Paul Friedman, United States District Court for the District of Columbia). Served as prosecutor in case involving illegal sharing of copyrighted materials over peer-to-peer networks. The defendant pleaded guilty and was sentenced in 2005.

Co-counsel:

Sherri Schornstein
United States Attorney's Office
District of Columbia
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7883

Defense counsel:

Mark E. Schamel
Womble Carlyle Sandridge & Rice, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036
(202) 857-4481

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.)

From 1999-2001 while serving as a trial attorney in the Tax Division's criminal section, in addition to my criminal caseload, I served on two details to United States Attorney's Offices – the District of Arizona and the District of Columbia. In each I practiced criminal litigation as a federal prosecutor; in the former, I appeared regularly in federal court and in the latter, in the Superior Court for the District of Columbia.

In October 2001, I permanently joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney (AUSA) and continued my work as a prosecutor. I served in the following sections in Superior Court: Felony Trial; Sex Offense and Domestic Violence; and Homicide/Major Crimes sections. I also served in the Fraud and Public Corruption Section. As an AUSA, I prosecuted cases ranging from homicide and sexual offenses to cyber, intellectual property, fraud, and public corruption cases.

In 2007, I was detailed to the Criminal Division's Computer Crime and Intellectual Property section to serve as the National Coordinator of the Computer Hacking and Intellectual Property (CHIP) Program Coordinator. In that position, I coordinated the federal prosecutors specially trained to prosecute cyber crime and intellectual property cases.

In July 2007, I began another detail as AUSA serving as Special Counsel to the Director of the Federal Bureau of Investigation. As Special Counsel to the Director, I provided advice and guidance on a range of national security and law enforcement matters.

In February 2009, I became Deputy Chief of Staff and Counselor to the Director of the Federal Bureau of Investigation, and then Chief of Staff and Senior Counselor to the Director. During this time I ran the day-to-day operations of the Director's office and provided advice and guidance on national security operations and investigations as well as on criminal and law enforcement matters. I also assisted in the management and

oversight of the National Security Branch of the FBI (which is responsible for counterterrorism and counter intelligence investigations) and in the development of the intelligence capability of the FBI. I assisted the Director of the FBI and other senior executives in advancing the transformation of the FBI into a threat-based, intelligence-driven national security organization, including assessing the FBI's approach to national security cyber threats. In this capacity, I had regular interaction with representatives of the Intelligence Community, National Security Council Staff, and congressional staff.

In 2011, I moved to the National Security Division, first as Principal Deputy Assistant Attorney General and Chief of Staff, and now as Acting Assistant Attorney General. In addition to providing strategic legal advice to senior Department of Justice leaders and coordinating national security initiatives across the government for the Department, I oversee and manage the full spectrum of the National Security Division's work including the investigation and prosecution of terrorism and counterintelligence investigations, NSD's export enforcement initiative, NSD's practice before the Foreign Intelligence Surveillance Court, and the Department's participation in the inter-agency Committee for Foreign Investment in the United States (CFIUS).

I have not been a lobbyist.

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 a full course. I have guest lectured at several law school courses, including:

Georgetown University Law Center:

October 18, 2012, guest lecturer, Professor Mary DeRosa's Seminar on Current Issues in Cyber and National Security, Washington, DC (no transcripts or notes available).

Harvard Law School:

Fall 2010, guest lecturer, Professor Philip Heymann's Seminar on Privacy, Technology, and National Security, Cambridge, MA (no transcripts or notes available).

March 26, 2012, guest lecturer, Professor Philip Heymann's Seminar on Decision-making and Leadership in the Public Sector, Cambridge, MA (no transcripts or notes available).

I have also taught a number of non-public training courses for federal prosecutors and others at the National Advocacy Center. A representative sample includes:

March 7-9 2007, faculty, Criminal Chiefs' Conference, Columbia, SC

March 28-30 2007, faculty, Computer Forensics for Prosecutors, Columbia, SC

April 11-13 2007, faculty, Basic Cybercrime and Computer-Based Evidence, Columbia, SC (taught this same course in April 2006)

June 25-29 2007, faculty, Computer Hacking and Intellectual Property Coordinators' Conference, Columbia, SC

February 6-8 2008, faculty, Criminal Chiefs' Conference, Columbia, SC

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 participate in the Federal Thrift Savings Plan.

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 attached SF-278.

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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official. I am not aware of any other conflicts.

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

In the event of a potential conflict of interest, I would consult the Department's designated agency ethics official.

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 workload, 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.

Since I joined the Department of Justice, I have not had the opportunity to represent anyone other than the United States. As described above, I have from time to time spoken to students regarding careers in federal government service and in national security. During law school, I served in the Harvard Defenders and in the Criminal Justice Institute representing indigent clients in need of representation.

AFFIDAVIT

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

11/1/13

(DATE)

John Carlin

(NAME)



Sheryl L. Thompson

(NOTARY)