

Senator Chuck Grassley, Ranking Member
Questions for the Record
Helaine Greenfeld

Nominee to be Assistant Attorney General, Office of Legislative Affairs

1. Since May 11, 2021, Senator Johnson and I have asked to speak with Attorney General Garland to discuss outstanding oversight requests. At a June 17, 2021, Judiciary Committee Executive Business meeting, other members raised concerns about the Justice Department's failure to respond to member oversight requests. Since then, a committee-wide call has been scheduled with the Attorney General. This call does not supplant my personal request to speak with the Attorney General. To date, he has failed to schedule anything with me and you have been in charge of the Office of Legislative Affairs during this time. What steps have you taken to schedule the call? Please explain in detail.

RESPONSE: Although I have not been in charge of the Office of Legislative Affairs during the pendency of my nomination, I am aware that you requested a meeting with the Attorney General. As I understand, you and the Attorney General have recently spoken, and if more phone calls are necessary, OLA will work with you and the Attorney General's office to arrange.

2. On March 25, 2021, Senator Johnson and I wrote to the ATF requesting records relating to the October 2018 Hunter Biden firearm incident.¹ According to reports, Hunter Biden's firearm was discarded in a trash can near a school. Reports also indicate that the ATF was later on scene. The ATF has refused to provide records citing the Freedom of Information Act. Can the Freedom of Information Act be used as a justification to not produce records to Congress? Please explain in detail.

RESPONSE: The Freedom of Information Act (FOIA) governs disclosure of records to the public by the executive branch. Disclosures of federal records to Congress are governed by different practices and judicial precedents, although sometimes the analysis conducted by the executive branch in response to a congressional request can be similar to the analysis conducted under FOIA.

3. As a general matter, all government employees must avoid situations that create even the appearance of impropriety and impartiality so as to not affect the public perception of the integrity of an investigation. Do you agree? Please explain in detail.

RESPONSE: The Department of Justice has in place recusal rules that reflect applicable federal ethics statutes, regulations, and policies. In addition, President Biden's Executive Order No. 13989 requires political appointees to sign a pledge

¹ Press Release, Senator Grassley (March 26, 2021) <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-seek-information-about-secret-service-involvement-in-hunter-biden-firearm-incident>

imposing additional recusal obligations. The Office of Legislative Affairs does not have a role in the Department's investigations.

4. On February 3, 2021, and March 9, 2021, I sent Attorney General Garland a letter requesting information about Nicholas McQuaid's access to the Hunter Biden criminal case.² Specifically, potential conflicts of interest exist in light of the fact that McQuaid was employed at Latham & Watkins until January 20, 2021, and worked with Christopher Clark, who Hunter Biden reportedly hired to work on his federal criminal case. Because of that apparent conflict, I've asked whether he's been recused from the Hunter Biden case and whether a recusal memo exists.
 - a. Is McQuaid recused from the Hunter Biden case? If so, when? If not, why not?
 - b. If so, please provide all records relating to his recusal, including his recusal memo, any other guidance from career ethics officials regarding his recusal, or any guidance from McQuaid himself to component attorneys regarding his recusal.
 - c. Does a recusal memo exist? If not, why not?

RESPONSE: The Department responded to your letters in letters dated February 19, 2021 and March 22, 2021. The Department stated that "the Acting Assistant Attorney General is screened and recused from matters in which he has a financial interest or a personal business relationship, including matters involving his former law firm." With respect to the disclosure of additional information related to your inquiry, the Department has also stated that "it has long been the Department's policy to protect the confidentiality interests in internal pre-decisional deliberations including non-public information related to such matters, including seeking ethics advice. To disclose any ethics communications would have a chilling effect on Department employees' willingness to speak openly and candidly with ethics officials on ethics matters." The Department can say, however, that for those serving as heads of components or as acting head of components of the Department, including Mr. McQuaid, memos are typically issued to advise others in the Department concerning matters in which those individuals are recused.

5. In January 2021, then-President Trump issued a directive declassifying records relating to Crossfire Hurricane. Which records were declassified and when will they be produced to Congress and the public?

RESPONSE: I am not personally aware of what Crossfire Hurricane records, if any, were declassified by President Trump in January 2021, nor am I aware of any decision by this Administration or the prior Administration to make certain records public.

² Press Release, Senator Grassley (June 7, 2021) <https://www.grassley.senate.gov/news/news-releases/following-garland-proclamations-grassley-seeks-follow-through-on-commitments-to-respect-oversight-authority-of-congress>

6. On May 3, 2021, Senator Johnson and I wrote to Director Wray about an August 2020 briefing the contents of which were eventually leaked to damage our investigation into the Biden family's financial dealings overseas.³ The letter requested records and a meeting with Director Wray. The FBI provided an unresponsive letter and failed to produce any records. Director Wray has ignored my request that he meet with me and Senator Johnson about this matter. What steps have you taken to make sure the FBI provides responsive records and Director Wray appears for the requested meeting? Please explain in detail.

RESPONSE: I am aware that the FBI responded to your letter with an offer of a briefing by a subject matter expert regarding the Defensive Notification Framework.

7. On March 31, 2021, I wrote a letter to the Department requesting intelligence and FISA records relating to three individuals connected to the communist Chinese government that did business with the Biden family.⁴ According to a federal government filing, the federal government obtained at least one FISA warrant relating to one individual, Patrick Ho. The Department has failed to respond. What steps have you taken to produce the requested records to me? Please explain in detail.

RESPONSE: The Department appreciates the opportunity to respond to your concerns. The Department responded to your letter of March 31, 2021 on July 12, 2021.

8. Recently, the Department hired Susan Hennessey, who has made partisan comments about the Justice Department Inspector General's Crossfire Hurricane investigation and Special Counsel Durham's inquiry. Hennessey stated, about the Inspector General's inquiry,

This is extremely irregular. There are growing signs that there are serious problems with the IG report and questions as to whether this is designed to be an honest accounting of the views of the IG or a political document driven by Barr's conspiracy theories.⁵

Hennessey stated the following about the Durham inquiry,

Durham has made abundantly clear that in a year and a half, he hasn't come up with anything. I guess this kind of partisan silliness

³ Floor Statement, Senator Charles Grassley (May 11, 2021) <https://www.grassley.senate.gov/news/remarks/the-media-again-takes-liberal-disinformation-bait-on-biden-family-oversight>

⁴ Press Release, Senator Grassley (March 31, 2021) <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-seek-intel-records-related-to-hunter-bidens-foreign-financial-activities>

⁵ Ashe Schow, *As Expected, Media Move to Discredit IG Report Regarding Origins of the Russian Collusion Narrative*, The Daily Wire (Nov. 16, 2019) <https://www.dailywire.com/news/as-expected-media-move-to-discredit-ig-report-regarding-origins-of-the-russian-collusion-narrative>.

has become characteristic of Barr's legacy, but unclear to me why Durham would want to go along with it.⁶

Hennessey's partisan comments show a clear political bias that undercuts her ability to impartially work on some matters within the NSD's purview, including the Durham inquiry.

- a. Does Ms. Hennessey have any role in the Durham inquiry? If so, please describe that role.
- b. Does Ms. Hennessey have authorization to access any aspect of the Durham inquiry, including records? If so, has she used that authorization? If so, for what?
- c. Has Ms. Hennessey been recused from all matters relating to the Durham inquiry? If not, why not? If so, please provide all records relating to her recusal obligations, including a recusal memo.
- d. Please describe the extent to which DOJ officials were aware of Ms. Hennessey's previous partisan statements when considering hiring her to work at DOJ.

RESPONSE: I am aware you asked this question in a letter dated June 29, 2021. The Department is working diligently on a response.

9. What is the status of the Durham inquiry? When will it be completed?

RESPONSE: I am aware you asked this question in a letter dated June 29, 2021. The Department is working diligently on a response.

10. Former Attorney General Barr's October 19, 2020, memo, cited 28 C.F.R § 600.8, which requires Durham to submit interim reports and a final report to you. Barr's memo also directed Durham to submit the reports "to the maximum extent possible...in a form that will permit public dissemination."⁷

- i. Do you agree with former Attorney General Barr that interim reports and a final report should be drafted "to the maximum extent possible...in a form that will permit public dissemination"? If not, why not? If so, what steps have you taken to ensure that they will be produced in that manner?
- ii. Will Ms. Hennessey have access to any of Durham's draft and final reports?

⁶ Chuck Ross, *DOJ's Top National Security Lawyer Slammed Investigation Into Government Wrongdoing in Surveillance of Trump Aide*, WASHINGTON FREE BEACON (May 10, 2021), <https://freebeacon.com/biden-administration/dojs-top-national-security-lawyer-slammed-investigation-into-government-wrongdoing-in-surveillance-of-trump-aide/>.

⁷ Charlie Savage, *Barr Makes Durham a Special Counsel in a Bid to Entrench Scrutiny of the Russia Inquiry*, The New York Times (Dec. 1, 2020), <https://www.nytimes.com/2020/12/01/us/politics/john-durham-special-counsel-russia-investigation.html>. See also, <https://www.politico.com/f/?id=00000176-2008-d692-a977-3c7afcd50000> (copy of then-Attorney General Barr's order appointing Durham as a special counsel.).

- iii. Please provide a list of all DOJ employees who will be able to review draft and final versions of the Durham report.

RESPONSE: I am aware you asked this question in a letter dated June 29, 2021. The Department is working diligently on a response.

11. Will you commit to working with me and other members of Congress as we attempt to receive updates from DOJ and DEA to work on permanent solutions to schedule fentanyl analogues?

RESPONSE: Yes. The Department is actively engaged in interagency discussions led by the Office of National Drug Control Policy (ONDCP) to develop a comprehensive approach that addresses the complicated issues surrounding the scheduling of fentanyl-related substances. As I understand, the Department and ONDCP briefed your office on June 24 regarding the status of the interagency discussions.

12. You have worked for both a Chairman and a down-dais member of the Judiciary Committee, and have been in both the Senate Majority and Minority, so you're acutely aware of the disparity members of the Committee can experience when attempting to provide oversight. Can you commit, if confirmed, to being responsive to oversight requests from members of the Judiciary Committee of both parties in an equal manner, regardless of seniority?

RESPONSE: Having served as a Senate staffer for eight years, I understand the important role of Congressional oversight. Individual Members of Congress are Constitutional officers and, as such, are authorized to seek information from the Executive Branch. If I am confirmed, I will work to ensure that the Department makes every effort to accommodate the oversight needs of this Committee, consistent with the Department's law enforcement responsibilities.

13. What is the difference between equity and equality?

RESPONSE: In his Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, President Biden defined "equity" as "the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment."

14. The Federalist Society is an organization of conservatives and libertarians dedicated to the rule of law and legal reform.
 - a. Do you agree with Attorney General Garland, Lisa Monaco, and Vanita Gupta that a member of the Federalist Society should be allowed to serve on front-office staff within the Justice Department?

RESPONSE: Yes.

- b. If so, does that mean you would allow a member of the Federalist Society to serve on the Legislative Affairs front-office staff?

RESPONSE: Yes.

- c. Do you agree with Attorney General Garland, Lisa Monaco, and Vanita Gupta that a member of the Federalist Society should be allowed to be promoted to chief, assistant chief, section head, or any other career supervisory position in the Justice Department?

RESPONSE: Yes.

15. Do you believe potential voter fraud or other elections abnormalities are concerns that the Justice Department should take seriously?

RESPONSE: The Department of Justice plays a pivotal role in protecting the right to vote and ensuring that elections are not influenced by fraud. The Office of Legislative Affairs does not have a role in the Department's enforcement of federal election laws.

16. Please describe the selection process that led to your nomination to be Assistant Attorney General, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).

RESPONSE: I was approached in mid-February 2021 by the White House Office of Presidential Personnel about being nominated to serve as Assistant Attorney General for Legislative Affairs. I participated in a vetting and screening process, and sometime in March I received a formal notification that the President would nominate me, which he did in April 2021.

17. During your selection process did you talk with any officials from or anyone directly associated with the organization Demand Justice? If so, what was the nature of those discussions?

RESPONSE: No.

18. During your selection process did you talk with any officials from or anyone directly associated with the American Constitution Society? If so, what was the nature of those discussions?

RESPONSE: No.

19. During your selection process, did you talk with any officials from or anyone directly associated with Arabella Advisors? If so, what was the nature of those discussions? Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.

RESPONSE: No.

20. During your selection process did you talk with any officials from or anyone directly associated with the Open Society Foundation. If so, what was the nature of those discussions?

RESPONSE: No.

21. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

RESPONSE: While I do not have a record of those precise dates, the conversations I had took place between mid-February and mid-March of 2021.

22. Please explain, with particularity, the process whereby you answered these questions.

RESPONSE: The Department of Justice received these questions on June 30, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized answers to the questions and authorized their transmission to the Committee on July 12, 2021.

**Nomination of Helaine Ann Greenfeld
to be Assistant Attorney General for the Office of Legislative Affairs
Questions for the Record
Submitted June 30, 2021**

QUESTIONS FROM SENATOR COTTON

1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

RESPONSE: No.

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

RESPONSE: No.

3. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

RESPONSE: The Department of Justice received these questions on June 30, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized answers to the questions and authorized their transmission to the Committee on July 12, 2021.

4. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

RESPONSE: No.

Senator Mike Lee
Questions for the Record
Helaine Greenfeld, AAG, Office of Legislative Affairs

1. The Religious Freedom Restoration Act is the leading federal civil rights law that protects all Americans' religious freedom. It was championed by Senator Ted Kennedy and Senator Orrin Hatch to pass the Senate by a vote of 97-3 and to pass the House by a unanimous voice vote. President Bill Clinton proudly signed it into law in 1993. For nearly three decades, it has protected the religious freedom of all Americans of all faiths. If confirmed, will you commit to oppose any legislative or executive action that would alter in any way the Religious Freedom Restoration Act's protection for Americans of all faiths?

RESPONSE: Religious freedom is a hallmark of the First Amendment, and important to me. If I am confirmed, any Department evaluation of a legislative or executive action would be undertaken by multiple components and leadership offices of DOJ, guided by a careful review of the facts and law. The Office of Legislative Affairs would undertake to communicate any position to Congress.

2. Do you believe that hateful speech alone, without any attendant conduct, should be a crime?

RESPONSE: No. The Supreme Court has repeatedly held that the First Amendment bars viewpoint discrimination. *Matel v. Tam*, 528 U.S. ___ (2017).

3. What are your thoughts on the Department of Justice's ("DOJ") policy concerning civil asset forfeiture?

RESPONSE: I have not had the occasion to study the topic of civil asset forfeiture in detail, but if confirmed, I commit to facilitating communication between Congress and the Department about it.

4. Do you think this incentive for law enforcement agencies to participate in equitable sharing is a problem? If so, is it something you will work to address?

RESPONSE: I have not had the occasion to study the topic of civil asset forfeiture in detail, but if confirmed, I commit to facilitating communication between Congress and the Department about it.

5. We've seen disturbing reports recently of websites posting obscene content involving minors and parents unable to convince or force websites to remove obscene content involving their minor children. Will you commit to prioritize enforcement of our anti-trafficking and child pornography laws against these heinous online actors?

RESPONSE: Sexual exploitation of children is a heinous crime. Although the Office of Legislative Affairs does not enforce anti-trafficking or child

pornography laws, if confirmed I commit to facilitating communication between Congress and the Department on the topic.

6. As an Assistant Attorney General, what will you do if the President takes a position that is contrary to the law or not in the interests of the United States?

RESPONSE: Because I know the President respects the law and acts in the best interests of the United States, I do not expect this to happen. But if it did, I would argue against that course of action, and if my advice were not heeded, I would resign.

7. As a nominee for a position in the Executive branch, do you think there are any limits on the President's use of prosecutorial discretion?

RESPONSE: The Office of Legislative Affairs has no role the Department's enforcement of federal laws. As Attorney General Garland testified at his confirmation hearing, prosecutors and other government agencies may exercise discretion about how to allocate their limited enforcement resources. However, the Executive Branch cannot simply decide, based on a policy disagreement, that it will not enforce a law at all.

8. Please state for the record your thoughts on the Second Amendment?

RESPONSE: My view of the Second Amendment is guided by the *Heller* and *McDonald* decisions. In *Heller*, the Supreme Court held that the Second Amendment confers "an individual right to keep and bear arms." *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008). The Court also stated that, "[l]ike most rights, the right secured by the Second Amendment is not unlimited." *Id.* at 626. In *McDonald*, the Court held that the right guaranteed by the Second Amendment is a fundamental right that applies to the states as well the federal government.

9. A number of states have enacted so-called "red flag laws" that authorize judges to issue orders for the seizure of otherwise lawfully owned firearms when the owner is found to be a danger to self or others. Do you support the use of red flag orders to seize lawfully-owned firearms? If so, what due process protections should apply to the issuance of these orders? Should a judge be able to order firearm seizures in *ex parte* proceedings, before the respondent has had a chance to answer the allegations in the petition?

RESPONSE: President Biden and Attorney General Garland are strong supporters of gun safety measures. The role of the Department is to advance the policy program of the President and the administration, including about "red flag" statutes, as long as it is consistent with the law, and the role of the Office of Legislative Affairs is to facilitate communication between the branches on this and other matters of concern to Congress and the administration.

10. Do you support banning specific types of firearms?

RESPONSE: President Biden and Attorney General Garland are strong supporters of gun safety measures. The role of the Department is to advance the policy program of the President and the administration, including about gun safety, as long as it is consistent with the law, and the role of the Office of Legislative Affairs is to facilitate communication between the branches on this and other matters of concern to Congress and the administration.

11. Do you support banning large magazines?

RESPONSE: President Biden and Attorney General Garland are strong supporter of gun safety measures. The role of the Department is to advance the policy program of the President and the administration, including about gun safety, as long as it is consistent with the law, and the role of the Office of Legislative Affairs is to facilitate communication between the branches on this and other matters of concern to Congress and the administration.

12. Do you support holding firearms manufacturers liable for damage caused by people using their firearms to commit a crime?

RESPONSE: President Biden and Attorney General Garland are strong supporters of gun safety measures. The role of the Department is to advance the policy program of the President and the administration, including about gun safety, as long as it is consistent with the law, and the role of the Office of Legislative Affairs is to facilitate communication between the branches on this and other matters of concern to Congress and the administration.

13. You've tweeted that you disagreed with a school's decision to suspend a 9-year-old simply for having a toy B.B. gun in the background of his video feed while participating in virtual schooling. Do you believe that law abiding Americans without a criminal history should be allowed to own firearms?

RESPONSE: I did not tweet this.

14. The Biden Administration has defined "equity" as: "the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality." Do you agree with that definition?

- a. What is the difference between "equity" and "equality?"

- b. In order to achieve “equity,” is it ever necessary to discriminate *against* members of some groups in favor of others?
- c. If treating people equally before the law results in disparate outcomes, is it acceptable to discriminate against those with favorable outcomes before the law in order to correct that disparity?

RESPONSE: In his Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, President Biden defined “equity” as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.” As Attorney General Garland has observed, that definition aligns with bedrock legal principles.

15. How do you define “systemic racism?”

RESPONSE: As Attorney General Garland explored with Senator Kennedy at his confirmation hearing, the concept of structural racism gives us a language to acknowledge—and do something about—the structural barriers and disparate outcomes that communities of color experience in our society, separate and apart from any individuals’ views or intentions.

16. How do you define “critical race theory?”

RESPONSE: I understand that critical race theory is the subject of public discourse. However, I am not a legal academic and I do not have a definition.

17. Do you distinguish “critical race theory” from “systemic racism,” and if so, how?

RESPONSE: See response to Question 16.

18. Do you think America’s criminal justice system, including the federal courts, U.S. Attorney’s offices, and the Department of Justice are “systemically racist?”

RESPONSE: Acknowledging the existence of systemic racism in society does not mean that any particular institution or individual is systemically racist.

19. Congresswoman Ayanna Presley has said, in relation to criminal justice policy: “[w]e must now be every bit as intentional in legislating justice and equity, and that starts with embracing anti-racism as a central tenet of the policymaking process.” Do you plan to institute “anti-racist” policies in the Office of Legislative Affairs at the Justice Department? If so, which policies do you plan to institute?

RESPONSE: “Equal justice under law” is a foundational principle of our legal system and the Department of Justice’s mission is to ensure fair and impartial administration of justice for all Americans. If confirmed, I would seek to ensure

that the Office of Legislative Affairs maintains policies and practices that are aligned with this mission.

20. Do you believe that members of historically oppressed minority groups should be treated more favorably than those of other races in prosecutions and sentencing decisions to correct for the effects of systemic racism?

RESPONSE: The Department of Justice’s mission is to ensure fair and impartial administration of justice for all Americans.

21. Do you believe, if confirmed as an Assistant Attorney General, that you would have a duty to act in line with your moral code? If so, would you agree that it is part of your duty to ensure that the division under your care does not violate that code?

RESPONSE: If confirmed it would be my duty to act in accordance with the law and all ethical guidelines that Department of Justice attorneys must follow, which I consider to be the moral way to behave.

22. Along the same lines, let’s assume that someone acting as an agent of the Department of Justice under your control takes actions which contradict your moral code. What responsibility do you feel you would owe for those actions?

RESPONSE: If people whom I supervise were to act in an illegal or unethical way I would consider it a failure of my management responsibilities, however it intersected with my personal moral beliefs.

23. For purposes of federal law, when does life begin?

RESPONSE: In *Roe v. Wade*, 410 U.S. 113 (1973), the Supreme Court stated that the court “need not resolve” the question of when life begins. *Id.* at 159

24. Does the definition of when human life begins for purposes of federal law differ from the scientific definition of when human life begins?

RESPONSE: In *Roe v. Wade*, 410 U.S. 113 (1973), the Supreme Court stated that the court “need not resolve” the question of when life begins. *Id.* at 159

25. At what point in human development does the United States have a compelling interest in protecting a human life?

RESPONSE: In *Casey*, the Supreme Court held that states may regulate abortion prior to viability based on the state’s interest in maternal health and potential life, provided those regulations did not impose and do not have “the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus.” *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 877 (1992).

26. Do you support laws penalizing fetal homicide?

RESPONSE: The mandate of the Department of Justice is to enforce the Constitution and other federal laws consistent with Supreme Court precedent. The Office of Legislative Affairs does not have a role in the Department's enforcement of federal law.

27. Do you support the Unborn Victims of Violence Act of 2004, which provides that a person guilty of killing a child in utero may be punished to the same extent as if they had killed the child's mother, and that a person who intentionally kills a child in utero may be charged as a homicide (i.e., murder or manslaughter)?

RESPONSE: See response to Question 26.

28. Given that "homicide" requires the killing of an innocent human being, do you agree that in order to punish someone for violating this statute, the child in utero would have to be a human being?

RESPONSE: See response to Question 26.

29. Are there any circumstances which justify the killing of an innocent human being?

RESPONSE: See response to Question 26.

30. Do you support the Born Alive Infants Protection Act?

RESPONSE: See response to Question 26.

31. Relatedly, would you support any policy that would prohibit the killing of children who survive failed abortions outside the womb?

RESPONSE: See response to Question 26.

32. Will you commit that the Office of Legislative Affairs of the Department of Justice will not rely upon data or information compiled by the Southern Poverty Law Center considering the serious allegations of systemic sexual harassment, racial discrimination and their ties to domestic terrorism cases?

RESPONSE: The Office of Legislative Affairs does not currently rely upon data or information collected by outside organizations. I am not familiar with the facts of these allegations.

33. There's been a lot of rhetoric over the last year from critics of our criminal justice system suggesting that we should "defund" the police. Do you agree with those critics?

RESPONSE: I do not support defunding the police.

34. Do you believe our federal criminal justice system requires reforms, and if so, what reforms?

RESPONSE: As Attorney General Garland testified, guaranteeing the promise of fair and impartial enforcement of the law, and addressing the disparate results for communities of color in our justice system, are among the most important issues we face.

Senator Ben Sasse
Questions for the Record
U.S. Senate Committee on the Judiciary
Hearing: “Nominations”
June 23, 2021

For Ms. Helaine Greenfeld:

1. Will you commit to providing members of the Senate Judiciary Committee with a substantive update on any of their oversight requests within 15 days of receiving such requests?

RESPONSE: I worked in the Senate for eight years and my experience as a Senate staffer taught me the importance of transparency to public confidence and accountability. The Office of Legislative Affairs tries hard to be transparent and respond quickly and well to all Congressional inquiries. If I am confirmed, I will work to ensure that the Department makes every effort to accommodate the needs of Congress, consistent with the Department’s law enforcement responsibilities. I commit to always being available to discuss the status of inquiries and work to facilitate better communication between the branches.

For all nominees:

1. Since becoming a legal adult, have you participated in any events at which you or other participants called into question the legitimacy of the United States Constitution?

RESPONSE: No.

2. Since becoming a legal adult, have you participated in any rallies, demonstrations, or other events at which you or other participants have willfully damaged public or private property?

RESPONSE: No.

Questions for Helaine Greenfeld

1. If confirmed, what actions will you take to maintain and improve responsiveness by the Department to our inquiries, and how will you improve transparency to Congress?

RESPONSE: I worked in the Senate for eight years and my experience as a Senate staffer taught me the importance of transparency to public confidence and accountability. The Office of Legislative Affairs tries hard to be transparent and respond quickly and well to all Congressional inquiries. If I am confirmed, I will work to ensure that the Department makes every effort to accommodate the needs of Congress, consistent with the Department's law enforcement responsibilities. I commit to always being available to discuss the status of inquiries and work to facilitate better communication between the branches.

2. I have two outstanding letters to the Attorney General which were not answered by the deadline set by my office. They are:
 - a. A letter dated May 20 with a requested response by June 21 regarding the misguided decision to reverse DOJ policy and permit federal funding for sanctuary jurisdictions. Ranking Member Grassley joined this letter with me.
 - b. A letter dated May 19 with a requested response by June 19 regarding the Attorney General's efforts to fight International Parental Child Abduction. Senator Feinstein joined this letter.

When can we expect a response from the Attorney General on these letters?

RESPONSE: The Department appreciates the opportunity to respond to your concerns. The Department sent a response to your letter of May 19, 2021 on July 8, 2021. The Department sent a response to your letter of May 20, 2021 on July 12, 2021.