

**Senator Chuck Grassley, Ranking Member**  
**Questions for the Record**  
**Ms. Rosemarie Hidalgo**  
**Nominee to be the Director of the Office on Violence Against Women**

- 1. In a previous role, you have written extensively about immigration law and how it relates to other legal issues. Do you believe that a “particular social group” can be defined in terms of those who have experienced harm?**

If confirmed as the Director of the Office on Violence Against Women (OVW), I do not anticipate participation in any immigration law decisions.

- 2. Please explain whether you agree or disagree with the following statement: “The judgments about the Constitution are value judgments. Judges exercise their own independent value judgments. You reach the answer that essentially your values tell you to reach.”**

I am not familiar with this statement or the context in which it was made. If confirmed as the Director of OVW, I do not anticipate that I will have the responsibility of making judicial determinations about the Constitution. However, if confirmed I will faithfully apply all applicable laws relevant to the decisions made by the OVW Director.

- 3. Please define the term “living constitution.”**

If confirmed as the Director of OVW, I do not anticipate having to interpret the Constitution. Nonetheless, my understanding of the term “living Constitution” is that it generally describes a perspective that the Constitution evolves and changes over time, adapting to new circumstances, through ongoing interpretation of Constitutional provisions under current realities, even if not formally amended.

- 4. Do you agree with then-Judge Ketanji Brown Jackson when she said in 2013 that she did not believe in a “living constitution”?**

I am not familiar with this statement or the context in which it was made. If confirmed as the Director of OVW, I do not anticipate having the responsibility of making judicial determinations about the Constitution. However, if confirmed I will faithfully apply all applicable laws relevant to the decisions made by the OVW Director.

- 5. Do you believe that local governments should reallocate funds away from police departments to other support services? Please explain.**

State and local law enforcement serve a vital role in providing protections for victims. I believe that it is important to fund police departments to develop effective and trauma-informed approaches and to continue improving the law enforcement response to domestic violence, sexual assault, dating violence, and stalking. If confirmed as the Director of OVW, I would ensure the proper allocation of the Violence Against Women

Act (VAWA) funds in adherence to the VAWA statute. This includes implementing grants intended to support the role of law enforcement as an important component of the broader coordinated community response, which is a hallmark of VAWA to strengthen access to safety and supportive services for victims/survivors.

**6. What is more important during the COVID-19 pandemic: ensuring the safety of the community by keeping violent, gun re-offenders incarcerated or releasing violent, gun re-offenders to the community?**

If confirmed as the Director of OVW, these are not matters that I anticipate that I would be called upon to decide in that role. Nonetheless, generally speaking, I believe that any determination regarding the potential early release of violent gun re-offenders would need to involve a determination that prioritizes victim and public safety and that ensures proper safeguards.

**7. What role should empathy play in sentencing defendants?**

If confirmed as OVW Director, I would not be making determinations about the sentencing of defendants. Nonetheless, it is my personal belief that judges should treat every human being with inherent dignity, while also respecting the integrity of the judicial process in properly applying the laws and relevant guidelines.

**8. Do you agree with the following statement: “Not everyone deserves a lawyer, there is no civil requirement for legal defense”?**

I am not familiar with this statement or the context in which it was made. If confirmed as the Director of OVW I do not anticipate that I would be involved in making determinations about who has access to a lawyer. As OVW Director, I would support efforts to increase access to legal assistance for victims of domestic violence, dating violence, sexual assault, and stalking pursuant to VAWA.

**9. Please answer the following questions yes or no. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer:**

- a. Was *Brown v. Board of Education* correctly decided?
- b. Was *Loving v. Virginia* correctly decided?
- c. Was *Roe v. Wade* correctly decided?
- d. Was *Planned Parenthood v. Casey* correctly decided?
- e. Was *Griswold v. Connecticut* correctly decided?
- f. Was *Gonzales v. Carhart* correctly decided?
- g. Was *McDonald v. City of Chicago* correctly decided?
- h. Was *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* correctly decided?
- i. Was *New York State Rifle & Pistol Association v. Bruen* correctly decided?
- j. Was *Dobbs v. Jackson Women’s Health* correctly decided?

If confirmed as the Director of OVW, I do not anticipate having the responsibility of deciding judicial matters. If confirmed, I will faithfully apply all applicable laws relevant to the decisions made by the OVW Director.

**10. Please explain your understanding of 18 USC § 1507 and what conduct it prohibits.**

18 U.S.C. § 1507, as set forth in the text of the statute, provides: “Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both.”

**11. Under Supreme Court precedent, is 18 USC § 1507, or a state statute modeled on § 1507, constitutional on its face?**

If confirmed, I do not anticipate being involved in decisions involving these matters. I will faithfully apply all applicable laws relevant to the decisions made by the OVW Director

**12. During your selection process, did you talk with anyone from or anyone directly associated with the Raben Group or the Committee for a Fair Judiciary? If so, what was the nature of those discussions?**

To the best of my knowledge, I did not talk with anyone from or anyone directly associated with the Raben Group or the Committee for a Fair Judiciary regarding my nomination.

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

To the best of my knowledge, I did not talk with anyone from or anyone directly associated with the organization Demand Justice. I have no knowledge of anyone communicating with any officials from or anyone directly associated with Demand Justice on my behalf.

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

To the best of my knowledge, I did not talk with anyone from or anyone directly associated with the American Constitution Society. I have no knowledge of anyone

communicating with any officials from or anyone directly associated with the American Constitution Society on my behalf.

- 15. During your selection process, did you talk with any officials from or anyone directly associated with Arabella Advisors, or did anyone do so on your behalf? 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, the Hopewell Fund, the Windward Fund, or any other such Arabella dark-money fund that is still shrouded.**

To the best of my knowledge, I did not talk with anyone from or anyone directly associated with Arabella Advisors or any of these entities regarding my nomination. I have no knowledge of anyone communicating with any officials from or anyone directly associated with Arabella Advisors or any of these entities on my behalf.

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

To the best of my knowledge, I did not talk with anyone from or anyone directly associated with the Open Society Foundation regarding my nomination. I have no knowledge of anyone communicating with any officials from or anyone directly associated with the Open Society Foundation on my behalf.

- 17. Demand Justice is a progressive organization dedicated to “restor[ing] ideological balance and legitimacy to our nation’s courts.”**

- a. Has anyone associated with Demand Justice requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**
- b. Are you currently in contact with anyone associated with Demand Justice, including, but not limited to: Brian Fallon, Christopher Kang, Tamara Brummer, Katie O’Connor, Jen Dansereau, Faiz Shakir, and/or Stasha Rhodes?**
- c. Have you ever been in contact with anyone associated with Demand Justice, including, but not limited to: Brian Fallon, Christopher Kang, Tamara Brummer, Katie O’Connor, Jen Dansereau, Faiz Shakir, and/or Stasha Rhodes?**

To my knowledge, I have not had any contacts with Demand Justice or anyone associated with it.

- 18. The Alliance for Justice is a “national association of over 120 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society.”**

- a. **Has anyone associated with Alliance for Justice requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**
- b. **Are you currently in contact with anyone associated with the Alliance for Justice, including, but not limited to: Rakim Brooks and/or Daniel L. Goldberg?**
- c. **Have you ever been in contact with anyone associated with Demand Justice, including, but not limited to: Rakim Brooks and/or Daniel L. Goldberg?**

To my knowledge, I have not had any contacts with Alliance for Justice or anyone associated with it.

**19. Arabella Advisors is a progressive organization founded “to provide strategic guidance for effective philanthropy” that has evolved into a “mission-driven, Certified B Corporation” to “increase their philanthropic impact.”**

- a. **Has anyone associated with Arabella Advisors requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**
- b. **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.**
- c. **Are you currently in contact with anyone associated with Arabella Advisors? 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.**
- d. **Have you ever been in contact with anyone associated with Arabella Advisors? 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.**

To my knowledge, I have not had any contacts with Arabella Advisors or these entities or anyone associated with these entities.

**20. The Open Society Foundations is a progressive organization that “work[s] to build vibrant and inclusive democracies whose governments are accountable to their citizens.”**

- a. **Has anyone associated with Open Society Foundations requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

No, not to my knowledge.

- b. **Are you currently in contact with anyone associated with the Open Society Foundations?**

No, not to my knowledge.

**c. Have you ever been in contact with anyone associated with the Open Society Foundations?**

In my capacity at the White House as the Senior Advisor on Gender-Based Violence, I was approached on one occasion more than a year ago by someone who was a policy advisor at the Open Society Foundation. They mentioned that they were considering the possibility of providing support for non-profit organizations that were assisting immigrant victims of domestic violence and sexual assault in the United States. However, I did not have any subsequent conversations with that person or anyone else working at the Open Society Foundation and I am not aware whether they provided any such funding.

- 21. Fix the Court is a “non-partisan, 501(C)(3) organization that advocates for non-ideological ‘fixes’ that would make the federal courts, and primarily the U.S. Supreme Court, more open and more accountable to the American people.”**
- a. Has anyone associated with Fix the Court requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**
  - b. Are you currently in contact with anyone associated with Fix the Court, including but not limited to: Gabe Roth, Tyler Cooper, Dylan Hosmer-Quint and/or Mackenzie Long?**
  - c. Have you ever been in contact with anyone associated with Fix the Court, including but not limited to: Gabe Roth, Tyler Cooper, Dylan Hosmer-Quint and/or Mackenzie Long?**

To my knowledge, I have not had any contacts with this Fix the Court or anyone associated with it.

- 22. The Raben Group is “a national public affairs and strategic communications firm committed to making connections, solving problems, and inspiring change across the corporate, nonprofit, foundation, and government sectors.” It manages the Committee for a Fair Judiciary.**
- a. Has anyone associated with The Raben Group or the Committee for a Fair Judiciary requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**
- No, not to my knowledge.
- b. Are you currently in contact with anyone associated with the Raben Group or the Committee for a Fair Judiciary, including but not limited to: Robert Raben, Jeremy Paris, Erika West, Elliot Williams, Nancy Zirkin, Rachel Motley, Steve Sereno, Dylan Tureff, or Joe Onek?**

No, not to my knowledge.

- c. Have you ever been in contact with anyone associated with the Raben Group or the Committee for a Fair Judiciary, including but not limited to: Robert Raben, Jeremy Paris, Erika West, Elliot Williams, Nancy Zirkin, Rachel Motley, Steve Sereno, Dylan Tureff, or Joe Onek?**

In 2012 the Raben Group provided some limited consultancy work for Casa de Esperanza when I was working at the organization at the time as the Director of Public Policy. At that time, I participated in several meetings with Robert Raben and others who were involved in the consultancy project. Additionally, in 2013 a Raben Group team member provided assistance to Casa de Esperanza in our policy advocacy to advance the reauthorization of VAWA. Furthermore, the Raben Group was providing consultancy work to support the National Hispanic Leadership Agenda (NHLA) during a period of time when I represented Casa de Esperanza in the meetings of the NHLA between 2012 – 2014; I had some limited interactions with members of the Raben Group in that context.

To the best of my recollection, I have not had any further communication with anyone associated with the Raben Group except occasional general communication (i.e. mass emails) from the Raben Group regarding efforts to support the passage of legislation to establish a National Museum of the American Latino, as well as an informal conversation on one occasion with someone from the Raben Group about efforts to establish the museum.

- 23. Please describe the selection process that led to your nomination, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).**

I was contacted initially by Catherine Russell, Director of the White House Presidential Personnel Office (PPO), in July of 2021 regarding the possibility of being nominated to serve as the Director of OVW. Subsequently, I had a meeting with Gautam Raghavan who was then serving as the Director of PPO, in January of 2022. I also had a conversation with Vanita Gupta, Associate Attorney General at the Department of Justice, regarding my nomination. I was formally nominated by the President on May 26, 2022.

- 24. Please explain, with particularity, the process whereby you answered these questions.**

The Department of Justice transmitted these questions to me on December 20, 2022. 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 January 20, 2023.

**SENATOR TED CRUZ**  
**U.S. Senate Committee on the Judiciary**

**Questions for the Record for Rosemarie Hidalgo, nominated to be Director,  
Office on Violence Against Women**

**I. Directions**

Please provide a wholly contained answer to each question. A question's answer should not cross-reference answers provided in other questions. Because a previous nominee declined to provide any response to discrete subparts of previous questions, they are listed here separately, even when one continues or expands upon the topic in the immediately previous question or relies on facts or context previously provided.

If a question asks for a yes or no answer, please provide a yes or no answer first and then provide subsequent explanation. If the answer to a yes or no question is sometimes yes and sometimes no, please state such first and then describe the circumstances giving rise to each answer.

If a question asks for a choice between two options, please begin by stating which option applies, or both, or neither, followed by any subsequent explanation.

If you disagree with the premise of a question, please answer the question as-written and then articulate both the premise about which you disagree and the basis for that disagreement.

If you lack a basis for knowing the answer to a question, please first describe what efforts you have taken to ascertain an answer to the question and then provide your tentative answer as a consequence of its reasonable investigation. If even a tentative answer is impossible at this time, please state why such an answer is impossible and what efforts you, if confirmed, or the administration or the Department, intend to take to provide an answer in the future. Please further give an estimate as to when the Committee will receive that answer.

To the extent that an answer depends on an ambiguity in the question asked, please state the ambiguity you perceive in the question, and provide multiple answers which articulate each possible reasonable interpretation of the question in light of the ambiguity.



## **II. Questions**

### **1. Is racial discrimination wrong?**

Yes, racial discrimination is wrong.

### **2. You signed on to a letter that criticized efforts by the Trump administration to reform and revise the immigration process, including the asylum and withholding processes. In the letter you reference “gender-based violence.”**

**a. What is gender?**

**b. Can gender change?**

**c. Are there objective truths about gender?**

**d. What is gender-based violence?**

**e. Are men victims of gender-based violence?**

#### **RESPONSE to a through e:**

All people deserve to live free from the threat or acts of gender-based violence. Gender-based violence can take many forms. It includes the use or threat of physical and sexual violence toward an intimate partner (including domestic and dating violence), sexual assault, and stalking. It also includes other interconnected forms of violence and coercive control, such as sex trafficking, child sexual abuse, female genital-mutilation, and rape during armed conflict, including when used as a tactic of war.

Although research shows that gender-based violence (GBV) disproportionately impacts women and girls and LGBTQI+ persons, it is important to recognize that men and boys are also victims of GBV, and that legal systems and service providers must be prepared to serve all populations of survivors effectively and in a trauma-informed manner.

If confirmed as the Director of the Office on Violence Against Women (OVW), I would be committed to ensuring access to services, safety, and support for all survivors.

### **3. Is gender a one of the protected categories under the asylum statute or the Convention Against Torture?**

Gender is not specifically listed under the asylum statute or the Convention Against Torture.

### **4. What is the legal standard for asylum?**

If confirmed as the Director of OVW, I would not be making asylum determinations. However, my general understanding is that asylum may be granted to people who meet the eligibility requirements and who have been persecuted or fear they will be persecuted on account of race, religion, nationality, and/or membership in a particular social group or political opinion.

**5. You wrote a guest blog posting for the White House in April 2021.**

**a. What are the “interwoven components of racial equity”?**

The blog mentions “interwoven components of racial equity” in reference to efforts to advance gender equity and eliminate gender-based violence by also taking into consideration the ways that racism and other forms of marginalization (such as those based on disability, age, geographic location, and other factors that may impact individuals from underserved communities) can potentially intersect with one another and further compound barriers or obstacles to safety and well-being.

**b. What is gender equity?**

The blog mentions gender equity as part of a government-wide approach seeking to ensure that every person has equal opportunity and that their safety and security are protected.

**c. Is it equitable for biological females to compete against biological males in high school athletics?**

The blog does not mention high school athletics, instead it was focused on preventing and responding to gender-based violence. If confirmed as the Director of OVW, I do not anticipate being involved in making determinations regarding high school athletics.

**6. What is an intersectional form of bias?**

**a. Does every person have a bias?**

**b. Who are you biased against?**

**RESPONSE to all parts of question #6:**

An intersectional form of bias includes bias at the intersection of two or more characteristics, such as bias at the intersection of gender and race or ethnicity.

I believe that everyone needs to be aware of the possibility of explicit and/or unconscious bias in favor of or against certain individuals based on different individual characteristics, since the potential for biases is part of human nature based on one’s

environment, experiences, and beliefs.

If confirmed as the Director of OVW, I would be committed to administering the grants and OVW programs in adherence to the non-discrimination provisions of the Violence Against Women Act and other applicable federal laws and would be committed to ensuring access to services, safety, and support for all survivors.

**7. Are criminal cartels committing violence against women who are crossing the southern border to the United States?**

**Yes.**

**a. Are there record numbers of women being assaulted on the journey?**

Historically and currently, a significant number of women fleeing persecution or making the journey to the southern border of the United States have experienced violence or the threat of violence and assault on the journey.

**b. Are the immigration policies of the Biden administration resulting in more violence against women?**

The Biden administration is committed to preventing and reducing violence against women both domestically and globally.

If confirmed as the Director of OVW, I do not anticipate being involved in making determinations about immigration policy or adjudicating immigration matters. However, I would be committed to ensuring that eligible victims of domestic violence, sexual assault, dating violence, and stalking can seek services and support pursuant to VAWA and other applicable laws.

**Senator Josh Hawley  
Questions for the Record  
Rosemarie Hidalgo**

**Nominee to be the Director of the Office on Violence Against Women**

- 1. You have previously written, “While criminalization of individuals who inflict GBV [gender-based violence] has historically been viewed as a proxy for justice, advocates and scholars are proposing alternative frameworks, such as ‘violence interruption,’ restorative justice, community justice, collective healing, economic justice, health and housing justice, and ‘police abolition.’ We endorse these calls for increased research and investment in non-criminal approaches, to preventing and responding to GBV, and we believe they are in line with a human rights-based, ‘due diligence’ approach.”**
  - a. Why did you “endorse” calls for “police abolition”?**
  - b. Do you believe that eventual “police abolition” serves the interest of women who are victims of crimes?**

The statement that I believe you are referring to is one that I did not write nor review before it was published alongside a special collection whose stated purpose was “to compile resources focused on improving the law enforcement responses to domestic violence and sexual assault.” Additionally, I was not aware of the excerpt cited above until you brought it to my attention through this question. I have never made or endorsed calls for “police abolition” and I do not believe that it would serve the interest of victims of crimes. I believe that law enforcement is an essential component of the coordinated community response, which is a hallmark of the approach supported through the Violence Against Women Act (VAWA). I believe that it is very important that victims be able to seek the assistance of law enforcement and that there should be continued efforts to support and improve the law enforcement response. Although my name was listed as one of the authors of the special collection of resources when it was published on January 14, 2022 on the VAWnet website, the overview included a statement in the first paragraph noting that I had only contributed to the production of this special collection prior to January 2021 (more than a year earlier).

VAWA grants provide critical resources to support enhanced training, develop evidence-based resources, and advance promising practices to improve the law enforcement response to domestic violence, sexual assault, dating violence and stalking. VAWA grants also play a critical role in further enhancing the coordinated community response in order to address the needs of survivors and provide a wide range of options for victims and survivors to seek safety and support. If confirmed as the Director of the Office on Violence Against Women, I will continue to support the important role of law enforcement as a key partner in the coordinated community response and as a critical resource for victims.

The Department of Justice has funded national training and technical assistance resources developed by organizations that provide support for law enforcement (such as the International Association of Chiefs of Police and the Police Executive Research Forum) to implement DOJ guidance on improving the law enforcement response to domestic and sexual violence. When I was previously employed at Casa de Esperanza, I provided some assistance in the development of the special collection through the identification and compilation of resources to advance implementation of the principles and promising practices identified in the DOJ Guidance. I also assisted in compiling resources with a primary focus on improving the law enforcement response for victims from underserved populations who may face additional barriers to accessing safety and effective, trauma-informed services. Statements that were subsequently written in the overview that accompanied the special collection when it was published more than a year later, and which included mention of other potential approaches being proposed by some advocates and scholars for further research and consideration, were beyond the scope of this special collection of resources and beyond the scope of my involvement with the project.

If I am confirmed as the OVW Director, I will continue supporting efforts to advance training and promising practices to improve the law enforcement response, as well as continue supporting efforts to enhance a wide range of services and support for victims and survivors.

**Questions from Senator Thom Tillis**  
**for Rosemarie (Rosie) Hidalgo**  
**Nominee to be Director, Office on Violence Against Women**

- 1. What do you believe is the biggest challenge that the Office on Violence Against Women faces?**

The recent reauthorization of the Violence Against Women Act (VAWA) and the significant increase in VAWA appropriations for Fiscal Year 2023 provide both a challenge and a significant opportunity to continue to advance the goals and mission of the Office on Violence Against Women (OVW). I believe that challenges at OVW include hiring additional staff and providing increased support for current staff to expand the capacity to implement new VAWA provisions, establish newly authorized and funded programs, and scale up the implementation of existing VAWA grant programs in a timely and effective manner. Furthermore, in order to continue improving the nation's capacity to provide effective services and administer justice for all survivors of domestic violence, dating violence, sexual assault, and stalking, this requires enhancing efforts to better address the needs of underserved populations.

- 2. In 2018, the DOJ Office of Inspector General reported that that 42 percent of VAWA grants had not been closed in a timely manner. If you are confirmed, how would you ensure that grantees and victims get the necessary resources and funding in an adequate time?**

If confirmed, I am committed to working closely with OVW staff to assess the causes in those cases in which VAWA grants have not been closed in a timely manner. I will prioritize efforts to address the causes for delayed closures, to the extent possible, with the goal of ensuring that grantees get the necessary resources and funding in an adequate time in order to fully implement the grants and provide effective support for victims/survivors.