

Senator Chuck Grassley, Ranking Member
Questions for the Record
Ms. Amy Lefkowitz Solomon
Nominee to be Assistant Attorney General, Office of Justice Programs

1. **In remarks you made in July 2022, you stated, “Inspired by the president’s executive order on advancing equity and racial justice, we are for the first time giving priority consideration to projects that promote racial justice and to applicants that can demonstrate that their solicitations and competencies are enhanced because they identify as a culturally specific organization. I am so fired up about this.” Please explain what it means to give “priority” to applicants that “identify as a culturally specific organization.”**

I believe that federal resources should be within reach to all communities, no matter the size of the jurisdiction or whether it is located in a rural or urban area. And we often hear from stakeholders that federal resources may not always reach the communities that need them most. “Priority consideration” helps OJP remove barriers to access and opportunity for communities that have been historically marginalized and underserved when applicants can demonstrate that their status as a culturally specific organization will enhance their chances for success in a given project.

In practice, this means that peer reviewers would continue to do independently assess, as they always have, which applications are strongest and “fundable,” including an assessment of technical merit and the likelihood that the project will successfully deliver results based on the stated program objectives. After OJP staff receive recommendations of the fundable proposals from peer reviewers, they can then consider giving additional weight to those applicants from historically underserved and marginalized communities.

2. **Please define what a “culturally specific organization” is for purposes of giving applicants priority in consideration for federal programs.**

OJP solicitations typically define culturally specific organizations as private nonprofit or tribal organizations staffed and led by members of that community and whose primary purpose is to provide culturally specific services to, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and/or Pacific Islanders.

3. **Some politicians have suggested that DOJ Byrne grants be conditioned on whether a jurisdiction enforces certain federal laws.**
 - a. **Do you support such a restriction?**

- b. **If you do, would you support requiring that the jurisdictions enforce all federal laws, including immigration laws, or would certain federal laws not be important enough in your view?**

At OJP, we implement the federal laws in accordance with Congressional intentions. If I am so fortunate as to be confirmed for this position, I will continue to implement the laws as written, with advice from legal counsel as needed.

4. **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 an attorney. If I am confirmed for the Assistant Attorney General position, which oversees a grantmaking organization, I will rely on legal counsel to inform any legal decisions that may be required.

5. **Do parents have a constitutional right to direct the education of their children?**

This appears to be a legal question. I am not an attorney. If I am fortunate enough to be confirmed for the Assistant Attorney General position, I will rely on legal counsel to inform any legal decisions as needed.

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

No. I am deeply committed to working with law enforcement, and I know that neighborhoods are safer when police have the tools and training to do their jobs, and when community trust is strong. I have worked with law enforcement – police and sheriffs in particular - over many years, and am humbled to have letters of support from national police organizations and many current and former police chiefs and sheriffs.

7. **Are law enforcement partnerships key to preventing acts of terror?**

Yes.

8. **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?**

Keeping communities safe is my top priority, and if I am confirmed for this role, I will ensure OJP is leveraging its resources to serve this mission.

9. Is the right to petition the government a constitutionally protected right?

This appears to be a legal question. I am not an attorney. If I am fortunate enough to be confirmed for the Assistant Attorney General position, I will rely on legal counsel to inform any legal decisions as needed.

10. What role should empathy play in sentencing defendants?

I am not an attorney and sentencing decisions would be outside the scope of the position of Assistant Attorney General for the Office of Justice Programs.

11. 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?**

I am not an attorney. Legal analysis is outside the scope of my expertise and the position of Assistant Attorney General for the Office of Justice Programs.

12. Is threatening Supreme Court justices right or wrong?

Violence or threats of violence against anyone – including Supreme Court justices – is wrong.

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

I am not an attorney. Legal analysis is outside the scope of my expertise and the position of Assistant Attorney General for the Office of Justice Programs.

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

I am not an attorney. Legal analysis is outside the scope of my expertise and the position of Assistant Attorney General for the Office of Justice Programs.

- 15. 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?**

After I was nominated, I consulted with many former Department of Justice colleagues (including both Republican and Democratic appointees), including Robert Raben who is a former colleague from the 1990s. I also talked with Katharine Huffman from the Raben Group. She is a personal friend and that was the context for two brief conversations over the last year. To my knowledge, I have not had any contacts with the Committee for a Fair Judiciary.

- 16. 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 my knowledge, during my selection process I have not had any contacts with Demand Justice.

- 17. 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 my knowledge, during my selection process I have not had any contacts with the American Constitution Society.

- 18. 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 my knowledge, during my selection process I have not had any contacts with Arabella Advisors.

- 19. 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 my knowledge, during my selection process I have not had any contacts with the Open Society Foundation (OSF). That said, I do know people at OSF and have engaged

with them on corrections and reentry issues from time to time – but not since rejoining the Department of Justice in 2021.

20. 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, during my selection process I have not had any contact with Demand Justice. I may have crossed paths with Brian Fallon several years ago when he was at the Department of Justice, but we have not been in touch since then.

21. 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, during my selection process I have not had any contact with Demand Justice. I do know Daniel Goldberg from his prior employment with the Department of Justice, and I have had one brief contact with him in his role as staff to Senator Klobuchar.

22. 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, during my selection process I have not had any contacts with Arabella Advisors or any of their subsidiaries. That said, I do know people at Arabella Advisors from my prior work on reentry issues, but have not had any contact since rejoining the Department of Justice in 2021.

23. **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?**
 - b. **Are you currently in contact with anyone associated with the Open Society Foundations?**
 - c. **Have you ever been in contact with anyone associated with the Open Society Foundations?**

See answer to #19.

24. **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, during my selection process I have not had any contacts with Fix the Court.

25. **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?**
 - 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?**
 - 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?**

See answer to #15.

26. **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 appointed to serve as Principal Deputy Assistant Attorney General beginning in May 2021. In early 2022, after having served as Acting Assistant Attorney General and then the Principal Deputy, I was asked by the Department of Justice White House liaison if I would consider being nominated for the Assistant Attorney General position. I agreed and in February 2022 I had several interviews with White House PPO. My nomination was announced in May 2022.

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

The Department of Justice received these questions on December 7, 2022 and shared them with me that afternoon. I drafted the answers to the questions on my own, shared them with our Office of Legislative Affairs for review, and authorized their transmission to the Committee on December 12, 2022.

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

Questions for the Record for Amy L. Solomon, nominated to be Assistant Attorney General for Office of Justice Programs

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.

2. Is the criminal justice system systemically racist?

While I do not think the entire criminal justice system is racist, I do think we must acknowledge this country's history with slavery and discrimination and the fact that racism still exists. There are racial disparities at every point in the criminal justice system, and I am committed to reducing those disparities and promoting fairness in the criminal justice system.

3. You worked at Arnold Ventures LLC, a group founded by billionaire former Enron executive and financier of left-wing causes, John D. Arnold.

a. Did you serve as the Vice President for Criminal Justice?

I served as a Vice President for Criminal Justice, with a focus on the corrections portfolio.

b. How much money has Arnold Ventures made from local governments in helping them establish pretrial risk assessment tools?

I did not manage the pretrial portfolio and cannot speak to this question.

c. How much money has Arnold spent lobbying against cash bail, and for so-called "bail reform" which includes use of products and tools like the Arnold Pretrial Risk Assessment tool?

I did not manage the pretrial portfolio and cannot speak to this question.

4. Can you commit to recusing yourself from overseeing any grant—or even being involved in any grant—that would be going to a group that you gave a grant to while at Arnold Ventures?

I commit to following the advice of Department of Justice ethics attorneys with respect to any potential recusal decisions.

Senator Josh Hawley
Questions for the Record

Amy Solomon
Nominee, Assistant Attorney General for DOJ Office of Justice Programs

- 1. In remarks for the rollout of the President’s budget for Fiscal Year 2023, you said the administration will be “giving priority” to an applicant who identifies as a culturally-specific organization.” What does “culturally specific organization” mean?**

OJP solicitations typically define culturally specific organizations as private nonprofit or tribal organizations staffed and led by members of that community and whose primary purpose is to provide culturally specific services to, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and/or Pacific Islanders.

Questions from Senator Thom Tillis
for Amy Lefkowitz Solomon
Nominee to be Assistant Attorney General, Office of Justice Programs

- 1. Ms. Solomon, you spoke out publicly in support of President Biden’s executive order on advancing equity and racial justice. What specific provisions of this executive order do you support? What is your understanding of how this executive order would impact your work at OJP and which entities receive funding and assistance?**

In my view, the President’s *Executive Order on Advancing Racial Equity and Support For Underserved Communities through the Federal Government* challenges the federal government to engage with communities that have often been hard hit by crime and poverty, and have had little access to government resources.

I believe that federal resources should be within reach to all communities, no matter the size of the jurisdiction or whether it is located in a rural or urban area. And we often hear from stakeholders that federal resources may not always reach the communities that need them most. “Priority consideration” helps OJP remove barriers to access and opportunity for communities that have been historically marginalized and underserved when applicants can demonstrate that their status as a culturally specific organization will enhance their chances for success in a given project.

In practice, this means that peer reviewers would continue to do independently assess, as they always have, which applications are strongest and “fundable,” including an assessment of technical merit and the likelihood that the project will successfully deliver results based on the stated program objectives. After OJP staff receive recommendations of the fundable proposals from peer reviewers, they can then consider giving additional weight to those applicants from historically underserved and marginalized communities.

- 2. Do you commit to working with Congress to implement the grant opportunities made available under the Bipartisan Safer Communities Act (BSCA)?**

Absolutely. Successful implementation of all Bipartisan Safer Communities Act grant programs managed by OJP is a top priority.

- 3. What steps have been taken to implement the grant programs under the BSCA If the programs are not yet available, when do you anticipate OJP will make all opportunities available which were identified in the BSCA?**

OJP has already moved swiftly and deeply to implement several sections of BSCA. It has already awarded FY22 grants for:

- Community Violence Intervention and Prevention Initiative (CVIPI) (\$50 million) –OJP received a large number of applicants for its FY22 solicitation and was therefore able to award a total of \$100 million for FY22 to 47 grantees for this initiative.

- BJA's STOP School Violence Program (\$40 million) – BJA received a large number of applicants for its FY22 solicitation; accordingly, the supplemental funding allowed OJP to almost double the number of awards.

A full list of awardees is available at <https://www.ojp.gov/funding/bja-fy22-grant-awards>.

In addition, OJP has issued the following solicitations:

- BJA's Byrne State Crisis Intervention Program (Byrne SCIP) solicitation for FY22 and FY23 (\$150 million per year to be allocated by formula). The Byrne SCIP solicitation opened on October 19, and BJA will be accepting applications until December 19. The solicitation is available at <https://bja.ojp.gov/funding/opportunities/o-bja-2023-171458>.
- BJS' National Criminal History Improvement Program (NCHIP) for FY22 and FY23 (\$40 million per year) to help states address their implementation challenges in collecting records that are currently not centralized. The solicitation is available at <https://bjs.ojp.gov/funding/opportunities/o-bjs-2023-171464>.