

Senator Chuck Grassley, Ranking Member
Questions for the Record
Mr. Carlos Uriarte

Nominee to be Assistant Attorney General, Office of Legislative Affairs

1. With respect to Crossfire Hurricane, during your time as Associate Deputy Attorney General during the Obama/Biden administration:
 - a. Were you aware of the investigation based on your official work? If so, please explain.
 - b. Did you receive any records¹ with respect to Crossfire Hurricane? If so, please explain.
 - c. Did you review any records with respect to Crossfire Hurricane? If so, please explain.
 - d. Did you edit any records with respect to Crossfire Hurricane? If so, please explain.
 - e. Did you attend any meetings with respect to Crossfire Hurricane? If so, please explain.
 - f. Did you discuss Crossfire Hurricane with Justice Department or FBI officials? If so, who?
 - g. Were you aware of Deputy Attorney General Yates’/Acting Attorney General Yates’ involvement in Crossfire Hurricane? If so, how did you become aware and what is your understanding of her involvement?

RESPONSE: To the best of my recollection, and consistent with my responsibilities at the time, I did not have any involvement with the investigation now known as Crossfire Hurricane during my time as Associate Deputy Attorney General.

2. With respect to Midyear Exam, during your time as Associate Deputy Attorney General during the Obama/Biden administration:
 - a. Were you aware of the investigation based on your official work? If so, please explain.
 - b. Did you receive any records with respect to Midyear Exam? If so, please explain.
 - c. Did you review any records with respect to Midyear Exam? If so, please explain.
 - d. Did you edit any records with respect to Midyear Exam? If so, please explain.
 - e. Did you attend any meetings with respect to Midyear Exam? If so, please explain.

¹ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

- f. Did you discuss Midyear Exam with Justice Department or FBI officials? If so, who?
- g. Were you aware of Deputy Attorney General Yates' involvement in Midyear Exam? If so, how did you become aware and what is your understanding of her involvement?

RESPONSE: To the best of my recollection, and consistent with my responsibilities at the time, I did not have any involvement with the investigation known as Midyear Exam during my time as Associate Deputy Attorney General.

- 3. Have you read the Justice Department Inspector General's report titled, "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation"? If not, why not? If so, what did you learn?

RESPONSE: I have a deep respect for the Department of Justice's Office of Inspector General (OIG) and its role in providing independent oversight of the Department's operations. In my various roles both in the legislative and executive branches, I regularly reviewed the OIG's reports and have reviewed the executive summary of the report titled, "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." The report includes feedback that I believe will help improve the Department's operations.

- 4. Have you read the Justice Department Inspector General's report titled, "A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election"? If not, why not? If so, what did you learn?

RESPONSE: As stated in response to Question 3, I have a deep respect for the Department of Justice's OIG and its role in providing independent oversight of the Department's operations. In my various roles both in the legislative and executive branches, I regularly reviewed the OIG's reports and have reviewed the executive summary of the report titled, "A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election." The report includes feedback that I believe will help improve the Department's operations.

- 5. Do you understand that if you're confirmed you'll have an obligation to ensure the Department and its components, including the FBI, respond to congressional inquiries in a timely manner?

RESPONSE: As a former Congressional staffer, I have a deep respect for Congress's role. I believe transparency and open lines of communication between Congress and the Executive Branch are important to ensuring effective government operations. If confirmed, my goal will be to provide Congress with accurate and

appropriate responses to all inquiries, consistent with the Department's longstanding law enforcement, litigation, and other responsibilities.

6. Do you understand that this obligation applies regardless of whether or not a Member of Congress is a committee chairman?

RESPONSE: By virtue of their positions as Constitutional Officers, individual Members of Congress are authorized to seek information from the Executive Branch, which should provide good-faith responses, showing due consideration for the requests in a manner consistent with the Executive Branch's responsibilities.

7. On March 25, 2021, as part of my investigation into Hunter Biden's misuse of a firearm (it was discarded in a trash can and found by a school), I requested records from the ATF based on news reports that the ATF was involved in the matter. In response, the ATF has cited FOIA as a basis for why it can't produce any responsive records. In addition, I've pressed DOJ on what it has done to recover records that Mueller's team destroyed during the special counsel investigation. DOJ provided a roughly thirty page production that included improper FOIA redactions.

I would note that during the course of my investigations I've received productions from the Executive Branch free from FOIA redactions. So, I know it can be done.

- a. Congress didn't intend for FOIA to be used as a shield by the Executive Branch to withhold responsive records from Congress. Do you agree? If not, why not?
- b. If confirmed, what steps will you take to resolve the fact the ATF has improperly used FOIA to refuse to produce a single page of records to Congress?

RESPONSE: I am not familiar with the matter you are referencing. If confirmed, I am committed to ensuring all congressional inquiries are provided with accurate and appropriate responses, consistent with the Department's law enforcement and litigation responsibilities.

8. At the October 27, 2021, Justice Department oversight hearing, Attorney General Garland stated that Susan Hennessey, an employee in the National Security Division, "has nothing whatsoever to do with the [Special Counsel] Durham investigation."² On February 3, 2021, and March 9, 2021, Senator Johnson and I wrote letters to the Department with respect to Nicholas McQuaid, the then-Acting Assistant Attorney General for the Criminal Division and current Principal Deputy Assistant Attorney General for the Criminal Division, and his conflicts of interest in the Hunter Biden criminal case.³ In those letters, we specifically raised concerns about the fact that

² *Oversight of the Department of Justice: Full Committee Hearing Before the S. Comm. on the Judiciary*, 117th Cong. (Oct. 27, 2021), <https://www.judiciary.senate.gov/meetings/10/20/2021/oversight-of-the-department-of-justice>.

³ News Release, On Day One, Biden Installed Law Partner Of Son's Defense Lawyer At DOJ Criminal Division, Charles E. Grassley (Feb. 3, 2021), <https://www.grassley.senate.gov/news/news-releases/on-day-one-biden-installed-law-partner-of-sons-defense-lawyer-at-doj-criminal-division>; see also Letter from Sen. Charles E. Grassley, Ranking Member, S. Comm. on the

McQuaid worked with Hunter Biden's criminal attorney until he was hired by the Biden Administration on January 20, 2021. This presents a clear conflict.

On February 19, 2021, March 23, 2021, and February 3, 2022, the Department failed to provide adequate responses to answer the threshold questions about whether McQuaid has or had any role in the Hunter Biden criminal case and whether he has been recused from it. In light of Attorney General Garland's recent testimony, where he found the ability to publicly state that Ms. Hennessey "has nothing whatsoever to do" with the Durham investigation, there is no basis upon which the Department can continue to refuse to answer these threshold questions relating to McQuaid:

- a. If confirmed, will you answer my question as to whether or not McQuaid has anything whatsoever to do with the Hunter Biden criminal matter? If not, please explain.
- b. If confirmed, will you answer my question as to whether or not McQuaid is recused from the Hunter Biden criminal matter? If not, please explain.
- c. Congress has a constitutional oversight responsibility to ensure the proper application of conflicts of interest laws and regulations which demands that the Justice Department produce a recusal memo, should one exist. Do you agree? If not, why not?

RESPONSE: If confirmed, I am committed to ensuring all congressional inquiries are provided with accurate and appropriate responses, consistent with the Department's law enforcement, litigation, and other responsibilities.

9. On May 9, 2022, Senator Johnson and I wrote to U.S. Attorney David Weiss regarding McQuaid's conflicts of interest and whether he has been in contact with USA Weiss during the course of his criminal investigation into Hunter Biden. We also asked USA Weiss whether or not he has been given sufficient support and resources to properly execute the Hunter Biden criminal case, among other questions. USA Weiss failed to respond. Instead, Acting Assistant Attorney General Peter Hyun responded and failed to address a single question that we posed. Given that USA Weiss didn't respond, and more specifically didn't respond to questions relating to McQuaid and conflicts of interest, it calls into question whether his investigation is infected with political bias.
 - a. As a threshold matter, when Members of Congress write to a U.S. Attorney, should the Justice Department proper intercede and respond on behalf of that U.S. Attorney? If so, does that strategy call into question whether that U.S. Attorney is independent enough to adequately prosecute a criminal matter?

- b. As a threshold matter, is it your position that a question from Members of Congress relating to whether or not a U.S. Attorney investigating the president's son has sufficient resources and support to properly execute the criminal case is a legitimate congressional oversight question? If not, why not?

RESPONSE: The Office of Legislative Affairs is responsible for coordinating the Department's responses to inquiries from Congress. If confirmed, I am committed to ensuring all Congressional inquiries receive accurate and appropriate responses, consistent with the Department's law enforcement and litigation responsibilities.

10. On November 15, 2021, Senator Johnson and I wrote to Attorney General Garland notifying him of an apparent false statement that the Justice Department provided on July 12, 2021. On February 3, 2022, the Justice Department purported to respond to five of my letters in a single letter, including the November 15, 2021, letter. However, the February 3, 2022, failed to correct the false statement.

By way of background, on March 31, 2021, we wrote to the Department with respect to financial transactions and connections between and among members of the Biden family and foreign nationals connected to the communist Chinese government, including its military and intelligence services.⁴ In particular, our letter noted that Hunter Biden had a close association with Chi-Ping “Patrick” Ho, who is associated with the communist Chinese government and its intelligence services.⁵ In December 2017, Patrick Ho was charged and in December 2018 was convicted of international bribery and money laundering offenses stemming from his work for the China Energy Fund Committee (CEFC), a subsidiary of CEFC China Energy and a company with extensive links to the communist regime.⁶ After his arrest, Ho's first call was reportedly to James Biden, President Biden's brother.⁷ Hunter Biden reportedly represented Patrick Ho for a period of time and received at least \$1 million in payment.⁸

⁴ Press Release, Grassley, Johnson Seek Intel Records Related to Hunter Biden's Foreign Financial Activities, (March 31, 2021) <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-seek-intel-records-related-to-hunter-bidens-foreign-financial-activities>; *see also*, S. Rep., Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns, S. Comm. on Homeland Sec. and Governmental Aff. and S. Comm. on Fin. (2020).

⁵ Chuck Ross, *Feds Obtained FISA Warrant Against Hunter Biden's Chinese Business Associate, Documents Show*, Daily Caller (Oct. 27, 2020), <https://dailycaller.com/2020/10/27/hunter-biden-patrick-ho-cefc-fara/>; Notice of Intent to Use Foreign Intelligence Surveillance Act, Feb. 8, 2018 (dkt. no. 45).

<https://www.courtlistener.com/recap/gov.uscourts.nysd.485530/gov.uscourts.nysd.485530.45.0.pdf>.

⁶ Andrew C. McCarthy, *A Collusion Tale: China and the Bidens*, National Review (Oct. 31, 2020), <https://www.nationalreview.com/2020/10/a-collusion-tale-the-bidens-and-china/>; Press Release, U.S. Attn'y Geoffrey S. Berman, Patrick Ho, Former Head Of Organization Backed By Chinese Energy Conglomerate, Convicted Of International Bribery, Money Laundering Offenses, (Dec. 5, 2018), <https://www.justice.gov/usao-sdny/pr/patrick-ho-former-head-organization-backed-chinese-energy-conglomerate-convicted>.

⁷ Alexandra Stevenson, David Barboza, Matthew Goldstein, and Paul Mozur, *A Chinese Tycoon Sought Power and Influence. Washington Responded.*, The New York Times (Dec. 12, 2018), <https://www.nytimes.com/2018/12/12/business/cefc-biden-china-washington-ye-jianming.html>.

⁸ S. Rep., Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns, S. Comm. on Homeland Sec. and Governmental Aff. and S. Comm. on Fin., 116th Cong., Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns at 79 (2020).

Based on the extensive relationships between and among Hunter Biden and individuals connected to the communist Chinese regime, our letter requested “all intelligence records, including but not limited to, all Foreign Intelligence Surveillance Act-derived information” relating to Patrick Ho and other individuals, including Gongwen Dong.⁹ Our request was based, in part, on reporting and a federal court filing by the Department that said it had obtained at least one Foreign Intelligence Surveillance Act (FISA) warrant relating to Patrick Ho, indicating his potential counterintelligence threat to the United States. That February 2018 federal court filing was titled, “Notice Of Intent To Use Foreign Intelligence Surveillance Act Information.” The filing by the Department stated, in part:

[T]he United States intends to offer into evidence, or otherwise use or disclose in any proceedings in the above-captioned matter, information obtained or derived from electronic surveillance and physical search conducted pursuant to the Foreign Intelligence Surveillance Act of 1978...¹⁰

Despite this sworn acknowledgement by the Department, its July 12, 2021, response to our letter denied knowing whether the Department even possessed the information stating, in part:

Unfortunately, under the circumstances described in your letter, we are not in a position to confirm the existence of the information that is sought (**if it exists in the Department’s possession**).¹¹

Both statements cannot be true. Either the statement in the July 12, 2021, letter is true – that the Department is unaware of whether it possesses the relevant material – or the Department’s February 8, 2018, statement to federal court that the Department is aware of the fact that it possesses the relevant material is true. Therefore, one statement is false.

- a. If confirmed, please detail the steps you will take to inform and advise the Attorney General that the Department provided an apparent false statement to Congress.
- b. If confirmed, please detail the steps you will take to provide a true and accurate letter to Congress correcting the statement.

⁹ According to records reportedly released from Hunter Biden’s laptop, Hunter Biden allegedly said the following: I have another New York Times reporter calling about my representation of Patrick Ho – the f***ing spy chief of China who started the company that my partner, who is worth \$323 billion, founded and is now missing. Chuck Ross, *Feds Obtained FISA Warrant Against Hunter Biden’s Chinese Business Associate, Documents Show*, Daily Caller (Oct. 27, 2020), <https://dailycaller.com/2020/10/27/hunter-biden-patrick-ho-cefc-fara/>; Notice of Intent to Use Foreign Intelligence Surveillance Act, Feb. 8, 2018 (dkt. no. 45).

<https://www.courtlistener.com/recap/gov.uscourts.nysd.485530/gov.uscourts.nysd.485530.45.0.pdf>.

¹⁰ Notice of Intent to Use Foreign Intelligence Surveillance Act, Feb. 8, 2018 (dkt. no. 45).

<https://www.courtlistener.com/recap/gov.uscourts.nysd.485530/gov.uscourts.nysd.485530.45.0.pdf>.

¹¹ Letter from Joe Gaeta, Deputy Assistance Attorney General, U.S. Dep’t of Justice to Sen. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, & Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations (Jul. 12, 2021). Emphasis added.

RESPONSE: I am not familiar with this matter. If confirmed, I am committed to ensuring all Congressional inquiries receive accurate and appropriate responses, consistent with the Department’s law enforcement and litigation responsibilities.

11. On January 19, 2021, then-President Trump issued a memorandum to the Attorney General, Director of National Intelligence and the Director of the Central Intelligence Agency directing them to declassify certain Crossfire Hurricane records for public dissemination.¹² On February 25, 2021, our respective staffs requested an update from the Justice Department with respect to when a full and complete set of declassified records would be provided to Congress. On January 20, 2022, the Department sent me a letter that failed to respond in kind. I remain concerned that over one year from the date then-President Trump directed the Justice Department to declassify certain Crossfire Hurricane records the Justice Department has not only failed to declassify a single page, the Department has failed to identify for Congress records that it knows with certainty to be covered by the declassification directive.

- a. If confirmed, what steps will you take to get me an answer as to why the Department has failed for more than a year to produce to Congress and the American people records that have been directed to be declassified?

RESPONSE: I am not familiar with this matter. If confirmed, I am committed to ensuring all Congressional inquiries receive accurate and appropriate responses that are consistent with the Department’s law enforcement and litigation responsibilities.

12. On May 26, 2022, Senators Portman, Inhofe and I wrote to the FBI with respect to the use of DOD’s tactical database to identify known and suspected terrorists prior to Afghan evacuees being paroled. We are aware of at least 50 Afghan evacuees paroled by DHS into the United States that were later identified by DOD as having potentially significant security concerns that would not qualify for parole or admission onto U.S. military bases used as temporary housing for evacuees.¹³ The DOD Inspector General explains that “significant security concerns” include individuals whose latent fingerprints have been found on improvised explosive devices and known or suspected terrorists.¹⁴ In addition, at least 28 of these evacuees could not be located once they were flagged by DOD.¹⁵

On May 4, 2022, DOD officials informed us that they provided the FBI with a spreadsheet containing information on all the Afghan evacuees flagged as potentially significant security concerns. DOD also indicated that, while DHS continues to parole

¹² Memorandum on Declassification of Certain Material Related to the FBI’s Crossfire Hurricane Investigation (Jan. 19, 2021).

¹³ Office of the Inspector General of the Department of Defense, *Evaluation of the Screening of Displaced Persons from Afghanistan* 10 (DODIG-2022-065), February 15, 2022 found at <https://www.dodig.mil/reports.html/article/2938359/evaluation-of-the-screening-of-displaced-persons-from-afghanistan-dodig-2022-065/>

¹⁴ DOD OIG, footnote 19.

¹⁵ DOD OIG, p. 11.

additional Afghans into the United States, DHS is still not using DOD's tactical database to screen Afghans for derogatory information.

Our letter requested that the FBI provide us with information about those evacuees flagged by DOD and steps the FBI has taken to adjudicate their derogatory information, including locating individuals currently within the United States. In addition, we requested to know how the FBI is addressing the counterterrorism threat posed by Afghan parolees that have not been screened by DHS against the tactical database. To-date, the FBI has failed to respond. The FBI's failure to respond is just one more example of many with respect to the Department, and specifically the FBI, failing to respond to congressional oversight requests.

- a. These facts demonstrate clear national security risks. If you are confirmed, do you commit to getting an answer for us from the FBI?

RESPONSE: I am not familiar with this matter. If confirmed, I am committed to ensuring all Congressional inquiries receive accurate and appropriate responses consistent with the Department's law enforcement and litigation responsibilities.

13. With respect to the greater issue of responding to congressional oversight requests, if you are confirmed, what concrete steps will you take within your first week to ensure that the Department and its component agencies provide Members of Congress full and complete responses, including document productions?

RESPONSE: If confirmed, I am committed to ensuring all Congressional inquiries receive accurate and appropriate responses consistent with the Department's law enforcement and litigation responsibilities. I also commit to making myself available to you to discuss any specific concerns you may have.

14. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?
 - a. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

RESPONSE: No.

15. 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?

RESPONSE: I have no knowledge of any communications with Demand Justice regarding my nomination.

16. 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?

RESPONSE: I have no knowledge of any communications with the American Constitution Society regarding my nomination.

17. 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.

RESPONSE: I have no knowledge of any communications with any of these entities regarding my nomination.

18. 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?

RESPONSE: I have no knowledge of any communications with the Open Society Foundation regarding my nomination.

19. 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?

RESPONSE: I have not worked with Demand Justice. Mr. Fallon was a colleague during my prior tenure at the Department of Justice. I do not have any recollection of contacts with Mr. Fallon or any of the other individuals listed above since Demand Justice was founded.

20. 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.”

- d. 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?
- e. 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?
- f. Have you ever been in contact with anyone associated with Demand Justice, including, but not limited to: Rakim Brooks and/or Daniel L. Goldberg?

RESPONSE: I have not worked with the Alliance for Justice. Mr. Goldberg and I both worked at the Department of Justice during my previous tenure with the Department. I have not spoken with him or Mr. Brooks regarding my nomination.

21. 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.”
- g. 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?
 - h. 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.
 - i. 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.
 - j. 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.

RESPONSE: To my knowledge, I have not had any contacts with these entities.

22. The Open Society Foundations is a progressive organization that “work[s] to build vibrant and inclusive democracies whose governments are accountable to their citizens.”
- k. Has anyone associated with Open Society Fund 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?
 - l. Are you currently in contact with anyone associated with the Open Society Foundations?
 - m. Have you ever been in contact with anyone associated with the Open Society Foundations?

RESPONSE: To my knowledge, I have not had any contacts with this entity.

23. 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.”
- n. 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?
 - o. 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?
 - p. 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?

RESPONSE: To my knowledge, I have not had any contacts with this entity or anyone associated with it.

24. 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.
- q. 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?
 - r. 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?
 - s. 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?

RESPONSE: In preparation for my confirmation hearing, I consulted with numerous previous Assistant Attorneys General for the Office of Legislative Affairs, including both Republican and Democratic appointees. These conversations included Mr. Raben. As the Committee is aware, Mr. Raben joined a letter supporting my nomination signed by a bipartisan group of former Assistant Attorneys General for the Office of Legislative Affairs. I am also familiar with other associates of the Raben Group, including Elliot Williams who is a former DOJ colleague. To my knowledge, I have not had any contacts with the Committee for a Fair Judiciary.

25. 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).

RESPONSE: I was approached in December 2021 by Department of Justice officials regarding my interest in serving as Assistant Attorney General for Legislative Affairs. I participated in a vetting and screening process and was formally nominated by the President on May 3, 2022.

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

RESPONSE: The Department of Justice received these questions on June 29, 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 July 11, 2021.

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

Questions for the Record for Carlos Uriarte, Nominee to be the Assistant Attorney General of the Office of Legislative Affairs

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?

RESPONSE: Intentional discrimination based on an individual's race is wrong.

2. If confirmed, what will your top priorities be for the Department of Justice Office of Legislative Affairs?

RESPONSE: The Office of Legislative Affairs is a conduit for communication between Congress and the Department. The office responds to questions and concerns from Congress, provides assistance in drafting legislation, and communicates the Department's interests, needs, and achievements back to Congress. If confirmed, my goal will be to ensure a collaborative relationship between Congress and the Department.

3. What strategies to advance the Department of Justice's initiatives do you plan to put forth?

RESPONSE: As the head of the Office of Legislative Affairs, my primary focus will be on working with Department leadership to ensure open lines of communication between the Department and Congress with respect to both Department priorities and congressional inquiries.

4. How will you handle a circumstance in which you encounter a disagreement or conflict in approaches with a United States Attorney's Office?

RESPONSE: If confirmed, I will not hesitate to provide independent and objective advice to Department leadership. Given the role of the Office of Legislative Affairs, I do not anticipate encountering such a conflict with a United States Attorney's Office. Should one arise, however, I will consult the Justice Manual and Department leadership for guidance.

5. In your opinion, is the Department of Justice obligated to respond to every oversight inquiry from a Congressional office?

RESPONSE: As the Attorney General has stated, the Office of Legislative Affairs should endeavor to be responsive to all congressional inquiries. If confirmed, I will work to fulfill this objective.

6. Should the Department of Justice respond to friendly inquiries from

Congressional offices more quickly or frequently than inquiries from the political party that does not hold the presidency?

RESPONSE: The Office of Legislative Affairs should endeavor to be responsive to all congressional inquiries regardless of the political party of the member of Congress.

7. What is a reasonable timeframe for the Department of Justice to respond to oversight inquiries?
 - a. Is more than a year appropriate?

RESPONSE to 7 and 7a: In my experience, the staff of the Office of Legislative Affairs works tirelessly to provide appropriate and timely responses to Congressional inquiries. While response times may vary based upon the level of complexity of the inquiry, the Department is committed to ensuring that all inquiries receive an appropriate response.

8. Will you commit to providing recourse to Congressional offices who do not receive any responses from the Department of Justice? If yes, please describe how you will ensure Congressional offices receive responses from the Department of Justice.

RESPONSE: If I am confirmed, I will commit to always being available to discuss the status of inquiries and work to facilitate better communication between the executive and legislative branches.

9. Will you commit to providing recourse to Congressional offices who do not receive timely responses from the Department of Justice? If yes, please describe how you will ensure Congressional offices receive timely responses from the Department of Justice.

RESPONSE: If I am confirmed, I will commit to always being available to discuss the status of inquiries and work to facilitate better communication between the branches.

10. What considerations do you plan to take into account regarding nominees when participating in the Senate confirmation process for federal judges and Department nominees?

RESPONSE: My understanding is that the Office of Legislative Affairs does not typically play a role in the Senate confirmation process for

federal judges. With respect to Department nominees, if confirmed, I will commit to ensuring that Congress has the information necessary to appropriately assess all nominees.

11. In law school, you signed on to an amicus brief in *Grutter v. Bollinger* arguing in favor of continuing to make admissions based on race. In *Grutter*, what did the U.S. Supreme Court say about race-based admissions needing to be limited in time?

RESPONSE: In *Grutter*, the Supreme Court stated that “race-conscious admissions policies must be limited in time.” *Grutter v. Bollinger*, 539 U.S. 306 (2003).

12. Is the criminal justice system systemically racist?

RESPONSE: I believe past discrimination has present effects, including in our criminal justice system. 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.

13. You worked as a research assistant for a published article titled: *Back to Basics: Returning to the Matter of Black Inferiority and White Supremacy in the Post-Brown Era*. How will your view on systemic racism affect your work if you are confirmed as Assistant Attorney General for the Office of Legislative Affairs?

RESPONSE: As stated above in response to question 12, I believe past discrimination has present effects, including in our criminal justice system. 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 will work to fulfill the Department’s mission.

14. You served as Counsel to the House Committee on Oversight and Government Reform, and handled the investigation into Operation Fast and Furious. What is your opinion on the Operation?

RESPONSE: I share the view of many, including the Department’s Inspector General, that this was a flawed operation.

- a. Do you personally own any firearms? If so, please list them.

- b. Have you ever personally owned any firearms?
- c. Have you ever used a firearm? If so, when and under what circumstances?

RESPONSE to a, b, and c: I have on multiple occasions used a firearm. As a Boy Scout, I regularly participated in firearms safety training, including using firearms at shooting ranges. While I do not personally own a firearm, the Supreme Court has clearly stated that the Second Amendment has conferred an individual right to keep and bear arms.

- d. Is the ability to own a firearm a personal civil right?

RESPONSE: Yes. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court of the United States held that, “[t]here seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms.” *Id.* at 595.

- e. Does the right to own a firearm receive less protection than the other individual rights specifically enumerated in the Constitution?

RESPONSE: No.

- f. Does the right to own a firearm receive less protection than the right to vote under the Constitution?

RESPONSE: No.

- g. What do you understand to be the original public meaning of the Second Amendment?

RESPONSE: I have not had occasion to study the topic of the original public meaning of the Second Amendment.

- h. What kinds of restrictions on the Right to Bear Arms do you understand to be prohibited by the U.S. Supreme Court’s decisions in *United States v. Heller*, *McDonald v. Chicago*, and *New York State Rifle & Pistol Association v. Bruen*?

RESPONSE: I have not had occasion to study what restrictions on the Right to Bear Arms are prohibited by the Supreme Court’s

second amendment jurisprudence.

**Questions for the Record for Carlos Felipe Uriarte
From Senator Mazie K. Hirono**

1. As part of my responsibility as a member of the Senate Judiciary Committee and to ensure the fitness of nominees, I am asking nominees to answer the following two questions:
 - a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

RESPONSE: No.

- b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

RESPONSE: No.

**Questions for the Record
Senator John Kennedy**

Carlos Uriarte

1. Please explain your plan to improve the Department's responsiveness to congressional requests and inquiries if confirmed.

RESPONSE: The Office of Legislative Affairs is a conduit for communication between Congress and the Department. The office responds to questions and concerns from Congress, provides assistance in drafting legislation, and communicates the Department's interests, needs, and achievements back to Congress. If confirmed, my goal will be to ensure a collaborative relationship between Congress and the Department.

The Justice Department's Office of Legal Counsel in 2017 issued an opinion advising federal departments and agencies that ranking members of congressional committees are not entitled to equal document access as committee chairs.

2. What's the constitutional basis for this policy since the separations of powers acknowledges that each branch creates its own rules to govern itself, and Congress considers both a majority and minority member as committee leaders?
3. Why is this exclusive policy necessary since it harms the congressional relationship with the Justice Department?
4. Should the Justice Department rescind this opinion? Please explain.

RESPONSE TO QUESTIONS 2-4: While I was not at the Department at the time, I understand that the Department noted in a December 27, 2021 response to Senate Ranking Members who inquired about this matter that the 2017 Office of Legal Counsel opinion you reference has effectively been superseded by a subsequent, more comprehensive OLC opinion issued in February 2019: *Requests by Individual Members of Congress for Executive Branch Information*, 43 Op. O.L.C. __ (2019), <https://www.justice.gov/olc/file/1356251/download>.

The 2019 OLC opinion acknowledged that “[i]ndividual members, even those who are not chairmen of committees that have been delegated the oversight authority of a House of Congress, ... may ‘request . . . information from the executive agencies’ about Executive Branch programs or activities—whether for legislation, constituent service, committee activities, or other purposes arising from members’ legislative ‘responsibilities’ (such as Senators’ role in providing advice and consent for presidential appointments).” *Id.* at *7 (quoting *Murphy v. Dep’t of the Army*, 613 F.2d 1151, 1157 (D.C. Cir. 1979)). It also reaffirmed the Executive Branch’s

longstanding policy and practice of responding and providing information, as appropriate, in response to such requests.

The opinion makes clear that “[A]n Executive Branch policy of providing good-faith responses to [individual members’] requests exhibits a proper respect for members of a coordinate branch of the government.” Id. at *7.

5. Can the Freedom of Information Act (FOIA) ever prevent individual Members of Congress from accessing certain documents, even though the statute does not apply to Congress?

RESPONSE: The Freedom of Information Act (FOIA) governs disclosure of records to the public—not Congress—by the Executive Branch.

6. Can the Freedom of Information Act (FOIA) ever prevent ranking members of congressional committees from accessing certain documents, even though the statute does not apply to Congress?

RESPONSE: See response to question 5.

7. Will you commit to ensuring the Justice Department provides a substantive and immediate response to every request made by this committee, including those by the minority?

RESPONSE: If I am confirmed to lead the Office of Legislative Affairs, my goal will be for all congressional inquiries to receive a timely and appropriate response from the Department.

Senator Mike Lee
Questions for the Record
Carlos Uriarte, Nominee to be Assistant Attorney General, 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 hallowed First Amendment right. If confirmed, any Department evaluation of a legislative or executive action would be undertaken by the relevant Department 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.

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.

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 this critical 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: I accepted this nomination because I am passionate about the Department's mission to fairly and impartially enforce and defend the law. An Assistant Attorney General must provide independent and objective advice to the Department leadership, and I commit to you that, if confirmed, I will not hesitate to do just that.

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 in the Department's enforcement of federal laws.

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

RESPONSE: The Supreme Court has 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).

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: Given the role of the Office of Legislative Affairs as a conduit between Congress and the Department of Justice, I do not expect to be faced with questions about the application of state "red flag laws."

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, as long as it is consistent with the law. 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 supporters of gun safety measures. The role of the Department is to advance the policy program of the President and the administration, as long as it is consistent with the law. 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, as long as it is consistent with the law. 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: I believe past discrimination has present effects, including in our criminal justice system. 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.

15. How do you define “systemic racism?”

RESPONSE: I understand the term “systemic racism” is the subject of public and academic discourse. However, I am not an academic and do not have a definition.

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

RESPONSE: I understand “critical race theory” is the subject of public and academic discourse. However, I am not an academic and 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 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: The Department of Justice seeks to ensure the fair and impartial enforcement and defense of the law. If confirmed, I would seek to ensure that the Office of Legislative Affairs maintains policies and practices consistent 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: 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.

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 *Dobbs v. Jackson Women's Health Organization*, 597 U.S. ____ (2022), the Supreme Court held that the Constitution does not confer a right to abortion. The Court concluded that, “the authority to regulate abortion must be returned to the people and their elected representatives.”

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: See response to Question 23.

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

RESPONSE: See response to Question 23.

26. Do you support laws penalizing fetal homicide?

RESPONSE: The Department of Justice seeks to enforce the Constitution and other federal laws. The Office of Legislative Affairs does not have any law enforcement authority.

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: I am not familiar with the matter you are referencing.

33. There’s been a lot of rhetoric over the last few years 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.

Questions from Senator Thom Tillis
for Carlos Uriarte
Nominee to be Assistant Attorney General, Office of Legislative Affairs

1. During your time at DOJ, how closely have you worked on responding to congressional inquiries?

RESPONSE: On May 23, 2022, I rejoined the Department as Senior Counselor in the Office of Legislative Affairs (OLA). In this role I have worked on selected issues as requested by OLA Leadership, including responses to congressional inquiries. For example, I have assisted in preparing Department witnesses for testimony.

2. Do you believe that DOJ is currently processing congressional inquiries in a timely manner? Please describe the reasoning for your answer.

RESPONSE: In my experience, the employees at the Department of Justice work tirelessly to respond to congressional inquiries. However, as with any complex process there is always room for improvement. As a former Congressional staffer, I have a deep respect for Congress's role. I believe transparency and open lines of communication between Congress and the Executive Branch are important to ensuring effective government operations. If confirmed, my goal will be to provide Congress with accurate and appropriate responses to all inquiries, consistent with the Department's longstanding law enforcement, litigation, and other responsibilities.

3. Do you commit to working with me and other members of this committee to ensure timely and fulsome responses to our inquiries?

RESPONSE: Yes. If confirmed, my goal will be to provide you and your colleagues with accurate and appropriate responses to all inquiries, consistent with the Department's longstanding law enforcement, litigation, and other responsibilities.