SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

Additional Prehearing Questions for Gary Lawkowski upon his nomination to be General Counsel of the Office of the Director of National Intelligence

Keeping the Intelligence Committee Fully and Currently Informed

QUESTION 1: Section 502 of the National Security Act of 1947 provides that the obligation to keep the congressional intelligence committees fully and currently informed of all intelligence activities applies to the Director of National Intelligence (DNI) and to the heads of all departments, agencies, and other entities of the U.S. Government involved in intelligence activities. What is your understanding of the standard for meaningful compliance with this obligation by the Office of the Director of National Intelligence (ODNI) and the heads of all departments, agencies and other entities of the U.S. Government involved in intelligence activities to keep the congressional intelligence committees, including all their Members, fully and currently informed of intelligence activities? Under what circumstances do you believe it is appropriate to brief the Chairman and Vice Chairman and not the full committee membership?

Answer: Section 502 of the National Security Act requires the DNI to keep congressional intelligence committees fully informed of all non-covert intelligence activities, provide requested information for their oversight, and report significant anticipated activities or intelligence failures. Additionally, under Section 503, the President may limit covert action finding notifications to the committee leadership (Chairman, Vice Chairman, or Ranking Member) to protect vital U.S. interests in extraordinary circumstances. Consequently, while narrow exceptions for extraordinary circumstances exist, adherence to the statutory standard of keeping all Members fully and currently informed remains vital to ensuring executive accountability and effective legislative oversight

QUESTION 2: Section 510 of the National Security Act (50 U.S.C. § 3109) requires that the General Counsel of each element of the Intelligence Community (IC) provide the congressional intelligence committees with a written summary of any "significant legal interpretation of the United States Constitution or Federal law affecting intelligence activities conducted by such element." What is your understanding of the term "significant legal interpretation" in Section 510? Would it generally include formal opinions, memoranda, or other written interpretations of law affecting intelligence activities that are provided to an element of the IC by the Office of Legal Counsel of the Department of Justice? Why or why not?

Answer: As I am not yet confirmed, I am unfamiliar with the formal ways in which ODNI OGC and other legal offices in the IC issue formal legal guidance on intelligence activities. However, I view compliance with congressional oversight

requirements as a core responsibility of the Intelligence Community. I note that Section 510 does not delineate between different sources underlying the significant legal interpretation that affects intelligence community activities, and my sense is that I would not impose any such distinction. If confirmed, I would ensure ODNI complies with its obligations under Section 510.

Priorities of the Director of National Intelligence

QUESTION 3: Have you discussed with the DNI his specific expectations of you, if confirmed as General Counsel, and his expectations of the Office of the General Counsel as a whole? If so, please describe those expectations.

Answer: I have spoken with the Director about the position. I understand the expectation that I will provide timely and accurate legal advice to the best of my ability.

The Office of the General Counsel

QUESTION 4: The Office of the General Counsel of the ODNI has many roles and responsibilities. What are your expectations for the Office?

a. Do you have any preliminary observations on its responsibilities, performance, and effectiveness?

Answer: The ODNI Office of General Counsel (ODNI OGC) plays a critical role in ensuring that the Office of the Director of National Intelligence fulfills its mission lawfully and effectively. Established by the National Security Act as the ODNI's chief legal officer, the General Counsel (GC) is responsible for providing accurate, timely legal advice and ensuring that all intelligence activities comply strictly with the U.S. Constitution and federal laws. ODNI OGC supports the GC in that responsibility. If confirmed, I will ensure that the ODNI OGC maintains the highest standards of professional excellence, independence, and accountability in support of the DNI and the entire Intelligence Community.

b. If confirmed, will you seek to make changes in the numbers or qualifications of attorneys in the office, or the operations of the office?

Answer: If confirmed, I will prioritize assessing the staffing levels, qualifications, and operational efficiency of the office. Working closely with current leadership, I will make prudent adjustments as necessary to ensure the office is fully equipped to meet its responsibilities.

QUESTION 5: Please describe who or what you understand to be your client or clients in the position of General Counsel of the Office of the Director of National Intelligence (ODNI/GC). As part of your answer, please address how that will guide your relationship with and obligations to the ODNI, the DNI, the IC as a whole, and the President.

Answer: Pursuant to Section 103C of the National Security Act, the ODNI General Counsel serves as the chief legal officer for the ODNI and its components—including the NCTC and NCSC—advising the DNI and senior ODNI officials rather than other Intelligence Community elements. To support the DNI's statutory duty to ensure IC-wide compliance with the U.S. Constitution and laws, the General Counsel collaborates closely with legal counterparts across the IC, other federal agencies, and the Executive Office of the President.

QUESTION 6: Describe your understanding of the responsibilities of the DNI and the GC/ODNI in reviewing, and providing legal advice on, the work of the Central Intelligence Agency (CIA), including covert action undertaken by the CIA.

Answer: Under the National Security Act, the DNI leads the Intelligence Community and is specifically charged with ensuring that the CIA complies with the U.S. Constitution and federal laws. To support this responsibility, the ODNI General Counsel assists with compliance oversight and works closely with the CIA General Counsel on all relevant matters, including covert actions.

QUESTION 7: What are your plans to recruit and retain top talent in the Office of General Counsel of ODNI? Do you plan to offer additional detailee options at all career levels so that attorneys from other agencies can bring their expertise to ODNI and, in turn, bring ODNI experience back to their home agency?

Answer: Top legal talent is essential for the ODNI Office of General Counsel to successfully fulfill its mission. If confirmed, one of my highest priorities will be to evaluate and strengthen our recruitment and retention strategies, with a particular focus on attracting and retaining experts in complex, specialized fields such as national security, cybersecurity, and emerging technologies. I will work to ensure our workplace

environment, professional development opportunities, and career progression pathways remain competitive to retain top-tier legal professionals.

QUESTION 8: Explain your understanding of the role of the ODNI/GC in resolving conflicting legal interpretations within the IC.

Answer: Under the National Security Act, the DNI serves as the head of the IC and is responsible for ensuring IC-wide compliance with the U.S. Constitution and federal laws, acting in coordination with the parent departments of IC elements. The ODNI Office of General Counsel is uniquely positioned to identify cross-cutting legal issues and conflicting legal interpretations across the IC.

If confirmed, I will foster close collaboration among IC legal offices and the Executive Branch to resolve interpretive differences at the lowest possible level. When consensus cannot be reached on significant legal questions, I will ensure appropriate coordination with the Department of Justice's Office of Legal Counsel (OLC) to establish definitive legal guidance.

Intelligence Collection

QUESTION 9: As defined in Title 50, "the term 'intelligence' includes 'foreign intelligence' and 'counterintelligence.'" Title 50 defines "national intelligence" as referring "to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States that – (A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and (B) that involves – (i) threats to the United States, its people, property, or interests; (ii) the development, proliferation, or use of weapons of mass destruction; or (iii) any other matter bearing on United States national or homeland security."

a. Do you interpret the term "intelligence" to include anything beyond "foreign intelligence" or "counterintelligence?" If so, what other kinds of intelligence do you believe falls under the term "intelligence?"

Answer: The statutory definition in the National Security Act states that the term "intelligence" includes foreign intelligence and counterintelligence, indicating that these categories are illustrative rather than exhaustive. Consequently, the term encompasses a range of information relevant to the authorized missions of Intelligence Community

elements.

The application of this definition requires a case-by-case evaluation anchored in the statutory authorities governing the underlying activity. If confirmed, I will work closely with IC counterparts, the Department of Justice, and other relevant agencies to ensure rigorous legal analysis and strict compliance with applicable statutory and policy requirements.

b. What are the differences between "intelligence" and "national intelligence?" Please provide examples of something you would consider to be "intelligence" that is not "national intelligence," and something that is "national intelligence" but not "intelligence." Your examples may be included in a classified annex.

Answer: Under Section 3(5) of the National Security Act, "national intelligence" is a specific subset of intelligence. To qualify as national intelligence, the information must satisfy two statutory criteria: (1) it must pertain to more than one U.S. government agency (consistent with presidential guidance), and (2) it must involve threats to the U.S., WMD development or proliferation, or other matters bearing on national or homeland security.

Evaluating whether information constitutes "intelligence," "foreign intelligence," or "national intelligence"" depends on the specific context, source, and agency authorities involved. If confirmed, I will ensure that the ODNI Office of General Counsel provides careful, case-by-case legal analysis of these distinctions in close coordination with the Department of Justice and other IC elements

Foreign Intelligence Surveillance Act

QUESTION 10: Title VII of the Foreign Intelligence Surveillance Act (FISA) lapsed on June 12, 2026.

a. Do you support reauthorization of Title VII of FISA? Why or why not?

b. What reforms or amendments, if any, should Congress include were it to reauthorize Title VII of FISA.

Answer: I strongly support the reauthorization of Title VII of the Foreign Intelligence Surveillance Act (FISA). Section 702 authorizes the targeted collection of foreign intelligence information from non-U.S. persons reasonably believed to be located outside the United States, subject to rigorous oversight across all three branches of government. Since Congress first enacted this authority in 2008, it has served as an indispensable pillar of our national security, providing unique and timely intelligence that protects the American people.

I recognize and respect the vital constitutional oversight role that Congress—and this Committee in particular—plays in balancing national security with the protection of privacy and civil liberties. Section 702 is already governed by extensive statutory restrictions, FISC-approved targeting, querying, and minimization procedures, and robust internal compliance programs. Furthermore, Congress enacted meaningful transparency and accountability enhancements in past reauthorization cycles, including through the Reforming Intelligence and Securing America Act (RISAA) of 2024, which the Intelligence Community continues to implement diligently.

While I believe Section 702 provides critical operational capabilities that must be preserved, if confirmed as General Counsel, I view it as an absolute priority to work closely and cooperatively with this Committee. I am fully committed to listening to your concerns, evaluating any proposals with an open mind, and ensuring that any path forward maintains our national security while upholding the rule of law and public trust.

QUESTION 11: Following the lapse of Section 704 of FISA, please describe the authority of the IC, pursuant to Section 2.5 of Executive Order 12333, to intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes?

Answer: As I have not had the honor of confirmation, I am unfamiliar with how the IC is implementing Section 2.5 of E.O. 12333 following the lapse of Section 704. However, based solely on the text of the Executive Order, the IC must seek Attorney General authorization to use any technique for which a warrant would be required if undertaken for law enforcement purposes to collect intelligence within the United States or against a United States person abroad. Such authorization requires that the Attorney General determine there is probable cause to believe that the technique is

directed against a foreign power or an agent of a foreign power.

Classification and Declassification

QUESTION 12: The government systematically overclassifies too much information. At the same time, the government often fails to protect the nation's most important secrets. Executive Order 13526 (December 29, 2009), which prescribes the system for classifying, safeguarding, and declassifying national security information, has not been updated in 17 years. What changes, if any, do you think are necessary to improve the classification system?

Answer: Excessive classification stifles transparency, strains resources, and complicates information sharing both across government and with vital foreign partners. If confirmed, I will provide rigorous legal guidance to help modernize and streamline classification systems and practices.

Evaluation of Office of the Director of National Intelligence

QUESTION 13: Members of the Committee have expressed concern that the ODNI does not have all of the legal authorities necessary to fulfill congressional expectations for the office. Do you have any preliminary observations on strengths or weaknesses of the authorities of the Office with respect to a successful mission of the ODNI? If so, please describe.

Answer: I have not yet formed views on whether additional legal authorities are needed for the ODNI to meet all congressional expectations. If confirmed, one of my early priorities will be to thoroughly assess the legal framework governing the office, identify any potential gaps, and work closely with Congress and the DNI to address them as appropriate.

QUESTION 14: Members also have expressed concerns that the ODNI's bureaucracy has resulted in inefficiencies. Do you have any preliminary observations on strengths or weaknesses of the authorities of the Office with respect to the ability of the General Counsel's office to function within the ODNI bureaucracy? If so, please describe.

Answer: I have not yet formed a definitive view on specific inefficiencies within the ODNI bureaucracy. However, ensuring that enterprise-wide processes enable rather than impede mission execution will be a top priority. If confirmed, I will thoroughly review ODNI OGC's organizational structures and operational workflows, and I look

forward to working with leadership to implement sensible improvements wherever efficiencies can be gained.

Intelligence Community Whistleblowers

QUESTION 15: Do you believe that IC whistleblowers currently have all the protections they need to interact directly with the congressional intelligence committees? Please identify the laws providing such protections, or outline any proposed amendments to the law that would be required to ensure these protections.

Answer: Whistleblowers play a vital role in the Intelligence Community by fostering accountability, upholding workforce integrity, and reporting allegations of wrongdoing through proper channels without compromising classified information. If confirmed, I will carefully review the implementation of the Intelligence Community Whistleblower Protection Act and relevant policy issuances to ensure that existing legal frameworks provide robust, effective protections for whistleblowers while safeguarding national security.

QUESTION 16: What is your view of the ODNI/GC's role relative to advancing an IC "whistleblower" complaint to Congress, pursuant to the Intelligence Community Whistleblower Protection Act?

Answer: The ODNI General Counsel plays a key role in supporting the DNI's duties under the Intelligence Community Whistleblower Protection Act, which establishes clear mechanisms for whistleblowers to submit "urgent concerns" to the congressional intelligence committees through appropriate channels. If confirmed, I will ensure that the ODNI fully adheres to these statutory requirements, protects whistleblowers from reprisal, and preserves their lawful access to Congress while maintaining the highest standards of integrity.

QUESTION 17: How would you address a situation in which you disagree with the IC Inspector General's determination that a whistleblower complaint qualifies as an "urgent concern," for the purposes of advancing a complaint to Congress?

Answer: To the maximum extent possible, I would engage with the Intelligence Community Inspector General (IC IG), as appropriate, to resolve any disagreements. If confirmed, I will ensure that ODNI strictly adheres to the statutory framework governing "urgent concerns" and handles all whistleblower matters in full compliance with the law and established procedures.

Executive Branch Oversight of Intelligence Activities

QUESTION 18: Are there improvements, in terms of resources, methodology, and objectives that you believe should be considered for Executive Branch oversight of the intelligence activities of the United States Government?

Answer: Effective oversight across all three branches is essential to the accountability and success of the Intelligence Community. Within the Executive Branch, oversight is driven by a network of General Counsels, inspectors general, privacy officials, the Privacy and Civil Liberties Oversight Board (PCLOB), the Department of Justice, and the President's Intelligence Advisory Board.

The DNI's statutory duty to ensure constitutional and legal compliance across the IC is a core function that the ODNI General Counsel directly supports. If confirmed, I will thoroughly assess our current oversight framework to ensure it remains robust and efficient, and I pledge to collaborate with Congress should any resource needs or structural reforms become apparent.

Relationship with Other Officials

QUESTION 19: What should be the relationship of the ODNI/GC with respect to the following officers of the IC:

a. General Counsel, CIA;

Answer: Under the National Security Act, the DNI is charged with ensuring that the Central Intelligence Agency complies with the U.S. Constitution and federal laws. This statutory mandate requires a close and cooperative working relationship between the two agencies and, by extension, their General Counsels. If confirmed, I will maintain a close, collaborative partnership with the CIA General Counsel to ensure seamless legal coordination on intelligence operations and oversight.

b. Assistant Attorney General for National Security, Department of Justice;

Answer: The DNI and Attorney General collaborate in several contexts, such as joint oversight of FISA Section 702 and or the Attorney General's approval of DNI's E.O. 12333 procedures. If confirmed, I will maintain a strong, cooperative relationship with the Assistant Attorney General for National Security to ensure alignment between intelligence operations and the Department of Justice.

c. Inspector General, ODNI; and

Answer: The IC IG provides independent oversight across the IC while reporting directly to the DNI. If confirmed, I will maintain a robust and professional working relationship with the IC IG, ensuring strong communication while fully respecting the Inspector General's statutory independence.

d. Civil Liberties and Privacy Officer, ODNI.

Answer: DNI's Civil Liberties Protection Officer is central to safeguarding the privacy and constitutional rights of Americans. Because these responsibilities involve deep legal equities, I will work in close coordination with the CLPO to ensure civil liberties protections are embedded across ODNI activities.

e. General Counsel, NSA

Answer: As the head of the Intelligence Community, the DNI works closely with the National Security Agency on complex signals intelligence operations, cybersecurity missions, and compliance frameworks. The NSA General Counsel manages unique and critical legal equities across these domains. If confirmed, I will maintain a close and responsive working relationship with the NSA General Counsel to ensure legal consistency, robust compliance, and effective interagency collaboration.

QUESTION 20: What is your understanding of the relationship between the ODNI/GC and the White House Counsel's Office (WHCO)? When do you believe it is appropriate to include WHCO in your legal deliberations?

Answer: Effective national security decision-making requires seamless coordination between the DNI, who is the President's principal intelligence advisor, and the White House Counsel's Office. The ODNI General Counsel acts as a key bridge, representing IC legal equities and helping forge interagency consensus.

My current service in WHCO has reinforced my understanding of when WHCO should be consulted on matters implicating presidential decision-making, executive branch legal policy, and significant interagency equities. If confirmed, I will leverage this background to ensure strong, trusted, and efficient communication between ODNI OGC and WHCO, while always providing independent counsel that safeguards the rule of

law and the statutory responsibilities of the DNI.

QUESTION 21: What do you believe the relationship is between the Office of General Counsel of ODNI and the Office of Legal Counsel (OLC) at the Department of Justice? Do you consider OLC opinions to be binding on the ODNI/GC? Please describe the circumstances under which you believe soliciting an opinion from OLC is appropriate.

Answer: Under the Attorney General's delegation, OLC provides controlling legal interpretations that are binding on Executive Branch agencies, including the ODNI. A strong and continuous partnership between ODNI OGC and OLC is therefore critical to effective national security legal management.

If confirmed, I would seek guidance or formal opinions from OLC on complex, high-stakes legal questions—particularly when interagency consensus cannot be reached among IC elements or when activities involve novel questions of statutory authority or constitutional law. This close coordination ensures that the DNI and the entire Intelligence Community operate on a sound and authoritative legal foundation.

QUESTION 22: What, if any, conflicts might arise from your previous private practice if you are confirmed as General Counsel, and how would you address these conflicts?

Answer: I have been out of private practice since January 2025 and do not anticipate conflicts arising from my private practice experience. To the extent questions do arise, I will address them through consultation with agency ethics officials or the Office of Government Ethics as appropriate.

QUESTION 23: Please provide copies of the publications listed in your responses to the Committee's Questionnaire for Completion by Presidential Nominees.

Answer: I will provide these copies expeditiously. I also included links to many of the listed publications in the text of my responses to the Committee's Questionnaire for Completion by Presidential Nominees.

Questions from Senator Warner

Keeping the Intelligence Committee Fully and Currently Informed

QUESTION 24: Section 503 of the National Security Act of 1947 (50 U.S.C. § 3093) requires the DNI and the heads of all departments, agencies, and entities of the United States Government involved in a covert action to furnish to the congressional intelligence committees "any information or material concerning covert actions (including the legal basis under which the covert action is being or was conducted) which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities." If an element of the IC is in possession of an opinion, memorandum, or other written document provided to the element by the Office of Legal Counsel of the Department of Justice that describes the legal basis under which a covert action is being or was conducted, is the element required to furnish such document to the congressional intelligence committees upon request pursuant to Section 503? Why or why not?

Answer: Textually, Section 503 also does not distinguish among the sources of legal guidance underlying a given Intelligence Community action. If confirmed, I would ensure ODNI complies with Section 503's reporting requirements, consistent with due regard for protection of sources and methods or exceptionally sensitive matters.

QUESTION 25: Under what circumstances, if any, would it be lawful for the President to assert executive privilege to withhold classified information from the Committee where the Committee has requested the information to carry out its oversight and legislative responsibilities?

Answer: Supreme Court jurisprudence makes it clear that control of the dissemination of information bearing on national security, to include all classified information, is a core Article II authority that lies solely with the President. Of course, as a co-equal branch of government, and pursuant to Title V of the National Security Act of 1947, Congress must be kept fully and currently informed of intelligence activities. In instances where there is a conflict between Congress's need to information to help fulfil its Article I functions and the executive branch's need to withhold certain classified information, both branches should engage in an accommodation process that makes a good faith effort to acknowledge and, if possible, meet the legitimate interests of each branch.

Covert Action

QUESTION 26: Is the President legally obligated to comply with the Law of Armed Conflict, including the four basic principles of distinction, proportionality, necessity, and humanity, in the conduct of covert action?

Answer: To the extent that covert action involves kinetic activities, yes.

Workforce Protection

QUESTION 27: Under what circumstances, if any, would it be lawful for managers and supervisors within the IC to make hiring, firing, promotion, or other personnel decisions, including decisions related to the issuance or revocation of a security clearance, based on an applicant's or employee's political affiliation or First Amendment protected political or ideological views?

Answer: I am fully committed to upholding the Constitution and all applicable laws governing the Intelligence Community. My understanding is that personnel and security clearance decisions by managers and supervisors within the IC must be grounded in established adjudicative standards, and those making personnel and clearance decisions must not disadvantage individuals solely based on protected First Amendment views and activities.

QUESTION 28: Under what circumstances, if any, would it be lawful for managers and supervisors within the IC to ask applicants or employees to disclose their political affiliation or First Amendment protected political or ideological views?

Answer: I am fully committed to upholding the Constitution, the rule of law, and all applicable civil service and Hatch Act protections as they apply to employees within the Intelligence Community. As a general matter, personnel and security decisions by managers and supervisors within the IC must be made strictly on the merits and in accordance with the law, without improper political considerations.

QUESTION 29: Under what circumstances, if any, would it be lawful or appropriate for the DNI to terminate, or take adverse personnel action against, an analyst solely for providing intelligence analysis that the DNI, the President, or other senior U.S. government officials disagreed with?

Answer: Under the National Security Act, Intelligence Community analysis must be objective and independent of improper political considerations, so it would not be appropriate to take adverse action solely because leadership disagrees with an analysist's conclusions. If confirmed, I will advise leadership to ensure all personnel decisions strictly comply with the law and established performance and conduct standards.

QUESTION 30: Under what circumstances, if any, would it be lawful or appropriate for the DNI to terminate IC personnel employed by an agency other than ODNI?

Answer: My understanding is that authority over the employment of IC personnel generally rests with the employing agency, not the DNI.

QUESTION 31: Under what circumstances, if any, would it be lawful or appropriate for the DNI to revoke the security clearances of individuals who have been granted a clearance by an agency other than ODNI?

Answer: The authority to revoke a security clearance generally rests with the adjudicating agency, although the President, through his inherent Article II authority, may direct revocations of clearances. The DNI plays a crucial policymaking and oversight role as the Security Executive Agent, and if confirmed, I look forward to better understanding ODNI's role in this space.

QUESTION 32: Under what circumstances, if any, would it be lawful or appropriate for the DNI to carry out the mass revocation of the security clearances of a group of individuals, whether or not employed by ODNI, without providing each member of the group an individualized justification for the revocation or otherwise adhering to the requirements of Executive Order 12968?

Answer: Although as a nominee I have not had an opportunity to explore this issue in-depth, my general understanding is that Executive Order 12968 and other applicable law and policy provide for certain due process protections, and it is also important to ensure that individuals who have access to our nation's most guarded secrets meet the stringent adjudicative standards. Authority over clearances generally rests with the adjudicating agency, and the President may direct revocations of clearances as lawful and appropriate.

Election Security

QUESTION 33: What do you understand to be ODNI's role in domestic law enforcement investigations into election-related activity?

Answer: My understanding is that ODNI can provide intelligence regarding foreign influence on elections to law enforcement officials as part of its authorities to disseminate intelligence. However, ODNI would not be involved in any law enforcement investigation (state or federal) beyond sharing of such intelligence.

QUESTION 34: Do you believe it would be appropriate for the DNI to be present during an FBI search of an election facility in the United States?

Answer: Criminal law enforcement investigations fall under the purview of the FBI and state/local officials. The DNI may share intelligence that the FBI or local officials could use to pursue any potential investigations under their own authorities.

QUESTION 35: Who won the 2020 presidential election?

Answer: The Electoral College formally certified Joseph R. Biden as the winner of the 2020 United States presidential election.

QUESTION 36: Former Director Gabbard effectively eliminated the Foreign Malign Influence Center despite the Center's statutory mandate in Section 119C of the National Security Act of 1947 (50 U.S.C. § 3059). Do you believe Director Gabbard's actions were lawful? Why or why not? Under what circumstances, if any, is it lawful and appropriate for the DNI to eliminate centers, offices, or other components of the IC that are mandated by statute?

Answer: As I have not been confirmed, I am unfamiliar with the status of the Foreign Malign Influence Center (FMIC). If confirmed, I would review the decisions made by former Director Gabbard and counsel Director Clayton accordingly

QUESTION 37: Under what circumstances, if any, is it lawful and appropriate for the government to alert social media platforms to election related mis- and disinformation, such as information intended to mislead voters on where, when, or

how to vote, that is publicly available through their platforms?

Answer: I believe the solution to mis- and disinformation is more speech. If government agencies come across factually inaccurate information, they can and should seek to counter it by disseminating correct information.

QUESTION 38: Under what circumstances, if any, is it lawful and appropriate for the government to alert social media platforms to coordinated inauthentic behavior by foreign actors that is publicly available through their platforms?

Answer: My general view is that there is a difference between coordinated behavior to disrupt online services, such as a denial-of-service attack, and coordinated inauthentic behavior to promote information or a narrative. Government actors must be very circumspect in the latter case to make sure they do not stifle legitimate political debate. In general, the best counter to information activities is more speech that allows the public to make an informed evaluation of what they are seeing online.

QUESTION 39: While serving as Deputy Assistant to the President and Deputy Counsel to the President, what role, if any, did you play in President Trump's decision to pardon individuals convicted of assaulting or using a deadly weapon against law enforcement officers in connection with the January 6, 2021, attack on the U.S. Capitol?

Answer: I was involved in this matter, including reviewing information and working on draft clemency documents. I am bound by my legal and ethical obligations—including the protection of confidential attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those activities.

Counter Narcotics

QUESTION 40: While serving as Deputy Assistant to the President and Deputy Counsel to the President, what role, if any, did you play in President Trump's decision to pardon former Honduran president, Juan Orlando Hernández, who was convicted and sentenced to 45 years in federal prison in 2024 for drug-trafficking offenses involving hundreds of tons of cocaine?

Answer: I do not recall any substantive involvement in Mr. Hernández's pardon.

Foreign Influence and Corruption

QUESTION 41: While serving as Deputy Assistant to the President and Deputy Counsel to the President, what role, if any, did you play in President Trump's decision to pardon Binance co-founder, Chang Peng Zhao, or other convicted felons who took actions that benefited the personal financial interests of President Trump or the interests of imputed parties, including President Trump's immediate family?

Answer: I was involved in communications concerning Mr. Zhao's pardon, including press inquiries into the same, and Binance more generally. I am bound by my legal and ethical obligations—including the protection of confidential attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those conversations.

It is unclear what specific other individuals this question may refer to.

QUESTION 42: While serving as Deputy Assistant to the President and Deputy Counsel to the President, what role, if any, did you play in President Trump's decision to accept a $400 million luxury aircraft donated by the Qatari government or other gifts from foreign donors?

Answer: I was involved in communications concerning this matter. I am bound by my legal and ethical obligations—including the protection of confidential attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those conversations.

<u>Questions from Senator Wyden</u>

FISA

QUESTION 43: The Foreign Intelligence Surveillance Court's March 17, 2026, opinion related to Section 702 remains classified, despite a statutory obligation to declassify it within 180 days.

a. Do you agree that the administration is now in violation of that statutory obligation?

b. If confirmed, what will you do to ensure that the administration immediately releases the opinion to the public?

Answer: As I am not yet in in the ODNI General Counsel position, I am not familiar with the status of any FISC opinions. If confirmed, I commit to advising to the DNI and the administration of the requirements associated with declassification reviews under Section 602 of FISA.

QUESTION 44: During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded: "As I understand it, determining whether a particular known U.S. person has been reverse-targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors. For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about a Section 702 target, that might be an indication that reverse targeting may have occurred." How would you ensure that this fact specific analysis is applied to the nomination of Section 702 targets?

Answer: If confirmed, I will familiarize myself with this process and, assuming Title VII is reauthorized, ensure ODNI's Office of General Counsel remains closely involved in Section 702 oversight. I understand that reverse targeting is prohibited and would work with DOJ and my IC colleagues to ensure that it does not occur and that any such targeting is reported to the FISC and Congress.

QUESTION 45: In a November 6, 2020, letter, then-DNI John Ratcliffe wrote that, "with respect to the use of Title V [of FISA] to obtain records from ISPs, the FBI does not request and obtain pursuant to Title V the content of any communication, to include search terms submitted to an online search engine." Do you agree that internet search information constitutes content of communications and thus can only be obtained with a probable cause warrant?

Answer: Title V of FISA previously authorized court orders for "tangible things" in foreign intelligence investigations, but that provision expired in March 2020. If confirmed, I will examine how these authorities were utilized and, should

reauthorization be pursued in the future, ensure any revived authority fully conforms to the Fourth Amendment and the Constitution.

QUESTION 46: Under Section 702 of FISA, the government can direct an electronic communications service provider to provide "assistance necessary to accomplish the acquisition." Under Section 702(h)(5), if the provider does not comply with a directive, the government may seek an order from the FISA Court to compel compliance.

a. Do you believe that the government should inform the FISA Court should it issue a directive to a provider to alter the encryption afforded by a service or a product, regardless of whether the government files a motion to compel compliance?

Answer: Encryption is critical to protecting the civil liberties of U.S. persons and should be treated with appropriate caution. If I am confirmed, I will examine this issue and make any recommendations and notifications as appropriate.

b. Will you commit to notifying Congress of any such directive?

Answer: If confirmed, and upon detailed review of this issue, I commit to notifying Congress as appropriate.

QUESTION 47: Section 704 of FISA requires a warrant for the targeting of a U.S. person overseas "under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes." During his confirmation process to be ODNI General Counsel, then-Principal Deputy Assistant Attorney General Brad Wiegmann wrote that he was "not aware of any operational contexts in which the government has concluded that a warrant would be required if an acquisition were conducted inside the United States for law enforcement purposes but nonetheless that the targeted U.S. person abroad would not have a reasonable expectation of privacy, such that 704 does not apply." Do you agree?

Answer: Title VII of FISA, to include Section 704, has now lapsed. Therefore, the fundamental authorities underlying Mr. Wiegmann's analysis are no longer in place and the civil liberties protections established by that provision, which clearly extended Fourth Amendment protections to U.S. persons overseas, are no longer law. I urge Congress to reauthorize Title VII to codify these protections.

QUESTION 48: Do Sections 703, 704 or 705 of FISA limit the targeted collection of geo-location information, communications metadata, or business records of a U.S. person who is overseas?

Answer: Title VII of FISA, to include Sections 703, 704, and 705, has now lapsed. Therefore, the civil liberties and privacy processes that Congress previously enacted are no longer the law. Prior to their lapse, those provisions generally prohibited targeting a U.S. person abroad who has a reasonable expectation of privacy without a FISC order, provided a warrant would be required in a domestic law enforcement investigation. I urge Congress to reauthorize Title VII to codify these privacy protections.

QUESTION 49: 50 U.S.C. § 1812, establishes the exclusive means by which electronic surveillance and interception of certain communications may be conducted. Is this provision absolutely binding on all U.S. departments and agencies and on the President?

Answer: FISA Section 112 generally establishes FISA as the exclusive statutory mechanism for foreign intelligence electronic surveillance and the interception of certain communications, as defined in the Act. If confirmed, I will coordinate with DOJ and other IC element General Counsels to ensure full compliance with the Constitution and applicable law.

QUESTION 50: Is the exclusive means provision in 50 U.S.C. § 1812 binding, regardless of whether Section 702 of FISA is reauthorized?

Answer: Title I of FISA has not lapsed. Therefore, in accordance with Section 112, FISA constitutes the exclusive statutory means by which the government may conduct electronic surveillance, as defined in FISA, and the interception of domestic wire, oral, or electronic communications for foreign intelligence purposes.

Other Surveillance

QUESTION 51: Former NSA Director Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 "normally must be approved by the Attorney General on a case-by-case basis after a finding of

probable cause."

a. Should the same requirement apply to the U.S. person queries of other data collected and retained under the Executive Order by other elements of the Intelligence Community? If not, why not?

b. For purposes of complying with this and other relevant guidelines, how should the Intelligence Community define U.S. person queries in the context of Artificial Intelligence and the use of AI in identifying information in large datasets?

Answer: My understanding is that E.O. 12333 guidelines balance U.S. person privacy protections with the unique missions of IC elements. If confirmed, I will coordinate with DOJ and agency general counsels to ensure full compliance, while reviewing how NSA's SIGINT procedures operate and whether comparable requirements should extend to other intelligence disciplines.

QUESTION 52: Do you agree that the Intelligence Community cannot request that a foreign entity conduct any activity that the IC is not authorized to undertake itself? If yes, do you agree that this prohibition applies to requests from administration officials outside the Intelligence Community as well as to implicit or indirect (including via public statement) requests?

Answer: Yes, with regards to the intelligence community, though I would defer to how general counsels in other area of the government would respond..

QUESTION 53: Do you believe the Intelligence Community can or should collect U.S. location information pursuant to EO 12333 authorities? If no, how should the IC ensure that it is not collecting the information through incidental collection? If yes, should there be any limitations on the Intelligence Community's use, retention, or dissemination of the information?

Answer: The Intelligence Community must strictly comply with all laws and policies governing information on U.S. persons. If confirmed, I look forward to examining current policies regarding location data and working to balance necessary privacy protections for Americans with the imperatives of the national security mission.

QUESTION 54: What limitations do you believe should apply to the receipt, use or dissemination of communications of U.S. persons collected by a foreign partner or source? How should those limitations address instances in which the foreign partner or source specifically targeted U.S. persons or instances in which the

foreign partner or source has collected bulk communications known to include those of U.S. persons?

Answer: IC elements are strictly prohibited from outsourcing activities barred by U.S. law or E.O. 12333 to foreign partners. Any information regarding U.S. persons received from foreign sources may only be handled in compliance with applicable law and policy.

QUESTION 55: Please describe the constitutional and statutory restrictions on targeting U.S. persons who are inside the United States when the collection occurs outside the United States. How does the finding in *United States v. Katz* that "the Fourth Amendment protects people, not places" protect U.S. persons, regardless of where the collection occurs?

Answer: The IC must collect, retain, disseminate, and use U.S. Person information in accordance with the Constitution and applicable federal law, including FISA and Executive Order 12333. When targeting U.S. persons, that law makes no distinction based on the location of the collection.

QUESTION 56: Do you believe that communications and communications data collected in transit are or should be treated differently than communications and communications data at rest? Please address any distinctions as they may apply to FISA, EO 12333, PPD-28 and the October 7, 2022, Executive Order on Enhancing Safeguards for United States Signals Intelligence Activities, and USSID 18.

Answer: All IC activities involving communications data must be carried out in accordance with the Constitution and applicable federal law, including FISA, as well as Presidential directives, such as Executive Orders 12333 and 14086 and their applicable implementing procedures.

QUESTION 57: In December 2020, the Department of Justice Office of the Inspector General released its Audit of the Federal Bureau of Investigation's Strategy and Efforts to Disrupt Illegal Dark Web Activities. The audit described Network Investigative Techniques (NITs) which "require computer exploits that the FBI is increasingly developing for national security purposes but not for criminal investigations." If confirmed, will you agree to make public annual statistics on the number of times these computer exploits have been used in national security cases and how often they have been used against Americans?

Answer: If confirmed, I will work closely with the DNI, the ODNI Civil Liberties and

Protection Officer, and FBI leadership to champion greater transparency around the use of computer exploits in national security matters.

QUESTION 58: In June 2018, in the case of *Carpenter v. U.S.*, the U.S. Supreme Court found that the government's collection of cell-site locational records was a Fourth Amendment search. Do you support transparency with regard to whether, and under what circumstances, *Carpenter* applies to the Intelligence Community?

Answer: Chief Justice Robert's opinion in *Carpenter* noted that the Court did not consider collection techniques involving foreign affairs or national security.

The Court's more recent opinion in *Chatrie* suggests that government access to location information is a Fourth Amendment search but also notes that the Fourth Amendment only prohibits unreasonable searches. Such reasonableness may depend on whether the government's access to such information was based on publicly available information or obtained through other means. If confirmed, I would evaluate the reasonableness of the IC's use of cell-site and seek appropriate transparency regarding its use.

Transparency

QUESTION 59: Attorney General-approved procedures and guidelines for Executive Order 12333 are currently posted online. Do you commit to continuing to post these procedures and to making public any modifications, superseding policies and procedures, or significant interpretations?

Answer: Yes.

QUESTION 60: Will you support the declassification and public release of any interpretation of law that provides a basis for intelligence activities, but is inconsistent with the public's understanding of the law?

Answer: Transparency and enhancing the public's understanding of the law are vitally important; I would support the release of such interpretations where feasible and consistent with the need to protect sensitive intelligence sources and methods.

QUESTION 61: What would you do if an employee of the Intelligence Community or any other Executive Branch official made a misrepresentation to Congress or to the public related to the legal basis for Intelligence Community

activities? If that person refused to correct the public record, would you do so personally?

Answer: If confirmed as the ODNI General Counsel, I intend to emphasize both for the ODNI Office of General Counsel and for broader ODNI leadership the importance of ensuring that the congressional intelligence committees are kept fully and currently informed of intelligence activities. If I mistakenly make a material misrepresentation to Congress or to the public, I commit to correcting that statement. If a public correction is not possible due to the need to protect sensitive intelligence sources and methods, I will inform the congressional intelligence committees of the misrepresentation in a classified setting.

QUESTION 62: Do you support the public release of memoranda of the Office of Legal Counsel that supports the activities of the Intelligence Community, consistent with the protection of sources and methods?

Answer: I will defer to the Office of Legal Counsel on the release of its memoranda; however, I support the public release of Office of Legal Counsel memoranda to the maximum extent possible in order to assist the American people in understanding government activities, consistent with the need to protect intelligence sources and methods.

Chief of Mission Authorities.

QUESTION 63: 22 U.S.C. § 3927 states that: "Under the direction of the President, the chief of mission to a foreign country… shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country…" Absent direct intervention from the President or the National Security Council, is the Intelligence Community obligated to cease intelligence activities (including, but not limited to collection activities, covert action and liaison relationships) that do not have the approval of the chief of mission?

Answer: As outlined in 22 U.S.C. § 3927, intelligence activities conducted in a foreign country are subject to the Chief of Mission's oversight, except where specific exceptions are authorized by the President or National Security Council. If confirmed, I would support the DNI's efforts to ensure that the IC adheres to these frameworks and, if appropriate, to seek necessary exceptions.

Security Clearances

QUESTION 64: Private attorneys with security clearances represent providers who are issued FISA orders and directives, serve as FISA Court amicus curiae, represent criminal defendants in Classified Information Procedures (CIPA) cases, and represent whistleblowers in matters involving classified information. The Director of National Intelligence serves as the Security Executive Agent responsible for security clearances. If confirmed as General Counsel, would you support policies and practices to ensure that private attorneys are granted and maintain clearances to serve in these capacities?

Answer: As an attorney, I respect the role of private counsel in our judicial system. If confirmed as General Counsel, I will support policies and practices that, consistent with the President's constitutional authority over access to classified information, ensure that private attorneys can serve in these capacities.

Classification and Declassification

QUESTION 65: Executive Order 13526 provides that: "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security." Do you commit to fulfilling both the letter and spirit of these prohibitions?

Answer: I recognize the importance of classifying information based on the national security harm that could be caused from unauthorized disclosure. If confirmed as General Counsel, I commit to upholding the letter and spirit of the prohibitions in Executive Order 13526.

QUESTION 66: What process do you believe should accompany the declassification of information? For example, do you believe there should be a written record of declassifications? When should the Committee be notified?

Answer: I understand that consistent with the President's constitutional authority, Executive Order 13526 provides multiple means for the declassification of information but does not prescribe documentation requirements. If confirmed, I will have the opportunity to consider how agency declassification procedures work in

practice and consider whether any changes, to include a requirement for written records of declassification and notifications to the Congressional oversight committees, would be appropriate

Interrogation, Detention and Rendition

QUESTION 67: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or any treatment related to interrogation that is not authorized by and listed in the Army Field Manual. Is this provision absolutely binding on the Intelligence Community and the President?

Answer: Yes.

QUESTION 68: The statutory prohibition on interrogations not consistent with the Army Field Manual applies to any individual "in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict."

a. Please describe the factors that would indicate whether a detainee is in the "effective control" of any officer, employee, or other agent of the United States Government.

b. Please describe how you would define whether a detainee is "detained within a facility owned, operated, or controlled by a department or agency of the United States."

Answer: The terms "effective control" and "owned, operated, or controlled" involve legal and operational considerations that are evaluated on a case-by-case basis, taking into account factors such as the degree of authority or influence exercised by U.S. personnel and the nature of the facility's management. These determinations require careful legal analysis to ensure compliance with statutory requirements and international obligations. If confirmed, I would work closely with other legal experts at relevant agencies to ensure any actions involving detainees align with U.S. laws, policies, and ethical standards.

QUESTION 69: Section 1045 states that: "The head of any department or agency of the United States Government shall provide the International Committee of the

Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies." Is this provision of law absolutely binding on the Intelligence Community and the President?

Answer: To the extent this question refers to Section 1045 of the National Defense Authorization Act for Fiscal Year 2016, I agree that this provision of law is binding on the United States Government.

QUESTION 70: Executive Order 13491 prohibits the CIA from operating any detention facility except to hold people "on a short-term, transitory basis." Do you support this provision? How would you define "short-term" and "transitory"?

Answer: I support this EO. The specific definitions of "short-term" and "transitory" require careful consultation with legal and policy experts to ensure compliance with the Executive Order and alignment with national security objectives as well as the United States' commitment to lawful and ethical detention practices.

QUESTION 71: Do you agree that Intelligence Community officers should not participate in interrogations of detainees in liaison custody when those officers witness, know of, or otherwise suspect the torture or mistreatment of detainees?

Answer: Yes.

QUESTION 72: The United States recognizes its obligations under the Convention Against Torture, not to "expel, return ('refouler') or extradite a person to another state where there are substantial grounds for believing that he [or she] would be in danger of being subjected to torture."

a. To what extent should written "diplomatic assurances" be required for extraditions and renditions?

b. Should such assurances be accepted from countries with established records of committing torture?

c. What responsibility does the Intelligence Community have not to provide support to operations conducted by other elements of the United States Government that violate this obligation?

Answer: I understand that the necessity and reliability of written "diplomatic assurances" must be carefully evaluated on a case-by-case basis, particularly when dealing with countries with records of torture. If accepted, such assurances should be subject to rigorous verification and monitoring mechanisms to ensure compliance with U.S. obligations under the Convention Against Torture. The United States Government as a whole, not just the IC, has a shared obligation under the Convention Against Torture. The IC will support our federal counterparts in line with that obligation.

Lethal Operations

QUESTION 73: Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

Answer: Targeting a U.S. person in a government lethal operation raises significant constitutional, legal, and policy issues. In partnership with my IC colleagues and government lawyers, I will support the DNI in ensuring these actions adhere to constitutional due process. While protecting sensitive information, I will also advocate for maximum public transparency to build trust and safeguard national security.

Intelligence Community Inspector General

QUESTION 74: 50 USC § 3033(i) establishes that the Inspector General of the Intelligence Community shall appoint a Counsel to the Inspector General who shall report to the Inspector General or obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis. Do you agree that the IC IG shall be counseled and advised independently on OIG-related legal matters by attorneys who are answerable only to the IG?

Answer: Yes, I believe that the IC IG's independence is essential to ensure oversight and accountability in the IC.

QUESTION 75: 50 USC § 3033(j)(3) states that: "Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the

Inspector General has final approval of the selection of internal and external candidates for employment with the Office of the Inspector General; and all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence." Do you agree that the Inspector General has final approval over all employment decisions related to the OIG, including hiring, assignments, firings, transfers, and involuntary administrative leaves?

Answer: I have not had the occasion to consider Inspector General authorities in depth. If confirmed, however, I would partner with the counsel to IC IG and other IC elements' General Counsels to ensure that IC IG can properly exercise the authorities needed to ensure independent oversight and accountability of the IC.

Domestic terrorism

QUESTION 76: In a September 22, 2025, Executive Order, Donald Trump purported to designate "Antifa" as a "domestic terrorist organization." Do you agree that there is no basis in law, either statutory or constitutional, for designating "domestic terrorist organizations"?

Answer: Under Section 219 of the Immigration and Nationality Act, the Secretary of State may designate a foreign organization as a Foreign Terrorist Organization if it engages in terrorist activities that threaten the United States. I agree there is no statutory mechanism to designate domestic organizations as terrorist groups. However, the President issued the Executive Order of September 25, 2025, designating Antifa pursuant to his authorities under Article II of the U.S. Constitution. That Executive Order directed all relevant departments and agencies to use all applicable authorities to investigate, disrupt, and dismantle all illegal operations by or on behalf of Antifa.

QUESTION 77: What role, if any, did you play with regard to the drafting or review of the Executive Order purporting to designate "Antifa" as a "domestic terrorist organization"?

Answer: I was involved in communications concerning this matter. I am bound by my legal and ethical obligations—including the protection of confidential

attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those conversations.

QUESTION 78: On September 25, 2026, Donald Trump issued Presidential Memorandum NSPM-7 ("Countering Domestic Terrorism and Organized Political Violence"). What role, if any, do elements of the Intelligence Community play in implementing or supporting NSPM-7?

Answer: National Security Presidential Memorandum 7 (NSPM-7) did not direct elements of the Intelligence Community to play any role in implementing or supporting it. Rather, through NPSM-7, the President provided direction to the Secretary of State, Secretary of the Treasury, Attorney General, and Secretary of Homeland Security to address domestic terrorism and organized political violence and further directed federal law enforcement agencies with investigative authority to prioritize investigations of certain crimes.

QUESTION 79: What role, if any, did you play with regard to the drafting or review of NSPM-7?

Answer: I was involved in communications concerning this matter. I am bound by my legal and ethical obligations—including the protection of confidential attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those conversations.

QUESTION 80: In November 2025, the Department of State designated "Antifa Ost, along with three other violent Antifa groups" as Foreign Terrorist Organizations (FTOs). The Secretary of State's announcement stated that the designation "supports President Trump's National Security Presidential Memorandum-7," which is titled "Countering Domestic Terrorism and Organized Political Violence." Please describe your understanding of how the foreign "Antifa" designation "supports" domestic terrorist investigations. Do you believe that the intelligence tools, programs and authorities available to the government in the international counterterrorism context can be used against suspected domestic terrorists?

Answer: I agree with Director Clayton's comments in his confirmation hearing that purely domestic terrorism is a domestic law enforcement concern, not a foreign intelligence matter. I do not believe that the international counterterrorism apparatus can be used against suspected domestic terrorists.

Whistleblowers

QUESTION 81: During her confirmation process, former Director Gabbard wrote: "Whistleblowers are essential to ensuring accountability and oversight within the IC, and they must have clear, protected channels to report concerns, including the unauthorized transmittal of classified information to appropriate entities such as Members of Congress, Inspectors General (IGs), and other authorized recipients." During her confirmation hearing, former Director Gabbard was asked if she agreed "that IC whistleblowers must have a clear path to this committee and that they don't need permission from agencies to talk to [the committee]," to which former Director Gabbard responded, "the answer is clearly yes." During his confirmation process, Director Clayton agreed. Do you also agree?

Answer: Yes.

QUESTION 82: During his confirmation process, Director Clayton agreed that any monitoring of Intelligence Community personnel for purposes of detecting insider threats must protect the confidentiality of protected whistleblower communications? Do you also agree? If yes, how should that protection be assured?

Answer: Yes. Since I am not yet at ODNI, I do not have a full picture of the Intelligence Community's insider threat detection efforts. If I am fortunate enough to be confirmed, I will study this issue to ensure proper whistleblower protections are established and/or maintained.

Congress

QUESTION 83: In December 2024, the Department of Justice Office of the Inspector General released "A Review of the Department of Justice's Issuance of Compulsory Process to Obtain Records of Members of Congress, Congressional Staffers, and Members of the News Media." The OIG concluded that the Department's actions "implicated the constitutional rights and authorities of a co-equal branch of government." It further stated: "[W]e believe that using compulsory process to obtain such records when based solely on the close proximity in time between access to the classified information and subsequent publication of the information— which was the case with most of the process

issued for non-content communications records of congressional staff in the investigations we examined—risks chilling Congress's ability to conduct oversight of the executive branch because it exposes congressional officials to having their records reviewed by the Department solely for conducting Congress's constitutionally authorized oversight duties and creating, at a minimum, the appearance of inappropriate interference by the executive branch in legitimate oversight activity by the legislative branch. Moreover, even non-content communications records—such as those predominantly sought here—can reveal the fact of sensitive communications of Members of Congress and staffers, including with executive branch whistleblowers and with interest groups engaging in First Amendment activity."

a. Do you agree with the OIG's concerns that the collection of communications records of congressional Members and staff raises constitutional concerns, particularly when, as in this case, the collection was based solely on those Members' and staff's exercise of their constitutionally authorized oversight duties? If yes, how would you respond to a proposal to collect such records in a similar situation?

Answer: Yes, I agree with the OIG that such collection raises constitutional concerns and if confirmed and such issues arose, I would advise on the importance of ensuring that each co-equal branch of the federal government is enabled to fully execute their constitutional responsibilities.

b. Do you support the policy changes described in the OIG Review? Do you believe further policy changes should be made?

Answer: Yes, if confirmed, I will study this matter in more detail, particularly with regard to the need for any additional policy changes.

c. Do you agree that Congress should be notified prior to any such collection? If yes, who in Congress should be notified?

Answer: Due to the nature of collecting Congressional records, such efforts should be exercised with the utmost care and scrutiny, to include notifying Congress where appropriate, to avoid a chilling effect on legitimate legislative oversight and to ensure separation of powers.

d. Do you agree that the government should inform the judge issuing an

order for compulsory process or a non-disclosure order that the targets are congressional Members or staff so that the judge can consider the constitutional implications?

Answer: Yes, the government should inform the judge that the targets are Members or staff so that the judge can weigh any constitutional implications.

Watchlisting

QUESTION 84: During her confirmation process, former DNI Gabbard wrote: "Ensuring fairness and protecting civil liberties in watchlisting programs is critical to maintaining public trust while safeguarding national security. To prevent misuse, I would advocate for clear, evidence-based criteria for watchlisting American citizens, robust oversight mechanisms, and regular audits to ensure no one is listed based on First Amendment-protected activities like free speech or political affiliation. Additionally, I would work to enhance the redress process by improving the Traveler Redress Inquiry Program (TRIP) to ensure timely and transparent resolution of complaints and exploring independent review panels to provide impartial oversight and due process. These measures would ensure watchlisting programs balance national security concerns with the protection of individual rights and provide fair avenues for redress." During his confirmation process, Director Clayton agreed with this statement. Do you also agree, and do you commit to the same reforms?

Answer: Yes.

Espionage Act

QUESTION 85: During her confirmation process, former Director Gabbard wrote: "In my book, I expressed concerns about aspects of the Espionage Act that could be interpreted as overly broad or vague, potentially infringing on First Amendment rights and due process protections under the Constitution. These concerns primarily relate to its application in cases involving whistleblowers and journalists, where the Act may criminalize the dissemination of information in ways that could suppress legitimate public discourse or accountability. The Espionage Act also does not allow for due process and the right of an American to defend themselves against such charges in a court of law." During his confirmation process, former ODNI General Counsel Dever agreed with former Director Gabbard's concerns. Do you also agree?

Answer: I agree with former Director Gabbard's concern that aspects of the Espionage Act could be interpreted as overly broad or vague, potentially infringing upon First Amendment rights and due process protections and inhibiting legitimate journalistic or whistleblowing activities.

Fugitives

QUESTION 86: Section 6715 of the Fiscal Year 2026 National Defense Authorization Act required the FBI Director, in coordination with the DNI, to complete a review for declassification of any information relating to whether any foreign government official has assisted or facilitated any citizen or national of their country in departing the United States while the citizen or national was under investigation or awaiting trial or sentencing for a criminal offense committed in the United States. Upon completion of the review, the FBI Director shall make appropriately declassified information available to the public. The statute required that the review be completed earlier this year. If confirmed, how will you ensure that the Administration is in compliance with this law?

Answer: Declassification and public release of operational information should be considered carefully to balance transparency with the need to protect national security. Where feasible and consistent with safeguarding classified information and sensitive intelligence methods or operations, I would support the release of such information to enhance public trust and understanding while ensuring the IC operates within the bounds of law.

Competitive Advantage

QUESTION 87: The October 7, 2022, Executive Order 14086 on Enhancing Safeguards for United States Signals Intelligence Activities states: "It is not a legitimate objective to collect foreign private commercial information or trade secrets to afford a competitive advantage to United States companies and United States business sectors commercially. The collection of such information is authorized only to protect the national security of the United States or of its allies or partners."

a. Do you agree with these limitations, and should they apply to non-SIGINT activities?

Answer: I agree that the national security apparatus of the United States should not be directed toward general corporate espionage. Since I am not at ODNI, I do not know how this restriction is applied in practice. I would want to review the practical application to ensure it does not overly restrict the gathering of strategic information that may have both commercial and national security implications.

b. Since this is a public policy, will you commit to informing the public of any modifications to the policy?

Answer: I defer to the President since the original policy is in an executive order and any modification would likely need to derive from presidential action.

Homeland Security Task Forces

QUESTION 88: The January 20, 2025, Executive Order ("Protecting the American People Against Invasion") directs that Homeland Security Task Forces (HSTFs) be established in every state and that they "shall include representation from any other Federal agencies with law enforcement officers, or agencies with the ability to provide logistics, intelligence, and operational support to the HSTFs." What role, if any, do you believe the Intelligence Community should play in the HSTFs, and which elements of the IC do you believe should play that role?

Answer: I agree with Director Clayton's remarks in his confirmation hearing that the IC should play a critical role in supporting the Homeland Security Task Forces (HSTFs) in the counter-cartel fight. From a legal perspective, the IC is well-postured to provide foreign intelligence support to the HSTFs and ensure that intelligence information can be shared and actioned by law enforcement partners. I understand ODNI's National Counterterrorism Center (NCTC) plays a role in this effort. Consistent with the President's and DNI's prioritization for foreign intelligence matters, every IC element with relevant authorities and expertise should join the effort to disrupt foreign terrorist cartels and gangs that kill Americans.

QUESTION 89: What role, if any, did you play in the drafting or review of the January 20, 2025, Executive Order?

Answer: I do not recall engaging with the Executive Order "Protecting the American People Against Invasion" prior to its signing.

QUESTION 90: In December 2025, then-NCTC Director Joe Kent testified that the NCTC Intelligence Fusion Center (NIFC)'s "main goals" are sharing information among law enforcement agencies and the Intelligence Community (IC) on FTO-designated cartels and gangs, to include identifying, vetting, and providing "an intelligence driven prioritization of high-impact targets" and providing "new operational leads for law enforcement as discovered via correlated data analysis." Do you agree with this level of involvement by NCTC in domestic law enforcement? What limits, if any, do you believe elements of the Intelligence Community should adhere to with regard to domestic law enforcement?

Answer: From an authorities perspective, I agree with Director Clayton, as he noted in his confirmation hearing, that NCTC should continue to focus on the threats posed by international terrorist groups that threaten the United States and its interests, including al-Qaeda, ISIS, and Iran-backed groups, as well as Western Hemisphere threats including the Sinaloa Cartel, Cartel de Jalisco Nueva Generacion, and terrorist gangs. I also agree with Director Clayton's confirmation hearing statement that it is important for the IC to draw a distinction between intelligence support, such as providing intelligence leads on threat actors with a foreign nexus, and engaging in domestic law enforcement activities. If confirmed, I would provide legal advice to ensure the IC's intelligence support to law enforcement is conducted consistent with law and the Constitution and with respect for the privacy and civil liberties of Americans.

Commercially Available Information

QUESTION 91: Do you support Intelligence Community Policy Memorandum (ICPM) 504 (01) ("Intelligence Community Policy Framework for Commercially Available Information"), updated February 6, 2025? Please elaborate on any aspects you do or do not support.

Answer: The Intelligence Community must strictly comply with all laws and policies governing information on U.S. persons. If confirmed, I look forward to examining current policies regarding location data and working to balance necessary privacy protections for Americans with the imperatives of the national security mission.

QUESTION 92: Section (g)(3) of ICPM 504 (01) requires the ODNI, in

coordination with relevant Intelligence Community elements, to provide a report to the public every two years regarding the Intelligence Community's access to and collection, processing, and safeguarding of Sensitive Commercially Available Information. Do you support this requirement?

Answer: Yes.

QUESTION 93: On June 29, 2026, the Supreme Court held in *Chatrie v. United States* that an individual maintains a reasonable expectation of privacy in their cell-phone location information and that the government's access of such information constitutes a Fourth Amendment search. During his confirmation process, Director Clayton agreed that this applies to the Intelligence Community. Do you also agree?

Answer: I agree that the Fourth Amendment and the Supreme Court's holdings, including the decision in *Chatrie v. United States*, apply to the Intelligence Community.

QUESTION 94: The *Chatrie* Court sharply limited the third-party doctrine, stating that "a cell-phone user is not to be viewed as sharing private information with third parties—which then can be freely passed on to the government— just by doing the ordinary things cell-phone users do." The Court specifically rejected the argument that individuals lose their Fourth Amendment rights in data by affirmatively choosing to use a cell-phone app and thereby disclosing personal information to an app provider. Does the decision in *Chatrie* affect or limit the Intelligence Community's access of Commercially Available Information pertaining to United States persons and persons in the United States? If so, how so? If not, why not?

Answer: As I understand it, the Intelligence Community's acquisition of commercially available information may involve a range of potential data. Therefore, its acquisition necessitates a fact-specific legal inquiry that would involve consideration of the particular data source, circumstances of collection, U.S. persons content, and other factors. If confirmed, I will pursue careful, fact-specific legal analysis to ensure compliance with the Fourth Amendment and statutory requirements, including *Chatrie* where applicable.

Encryption

QUESTION 95: During her confirmation process, former Director Gabbard wrote: "Mandating mechanisms to bypass encryption or privacy technologies

undermines user security, privacy, and trust, and poses significant risks of exploitation by malicious actors." During his confirmation process, Director Clayton stated that he agreed with this statement. Do you also agree? If confirmed, would you oppose mandated mechanisms to allow the government to bypass encryption or other privacy technologies?

Answer: I agree that there are significant Fourth Amendment and other constitutional implications regarding government access to digital property. If confirmed, I look forward to supporting the DNI and working with the ODNI Civil Liberties Protection Officer to ensure that the IC's activities comply with the Constitution and appropriately safeguard privacy and civil liberties.

White House Counsel's office

QUESTION 96: Please describe your role as Deputy White House Counsel in the pardon process. Which of President Trump's pardons did you work on?

Answer: My role in the pardon process is generally limited. At times, I have drafted pardon documents, recommended individuals for clemency, and participated in discussions regarding specific clemency requests.

QUESTION 97: As an executive branch employee, did you take any part in drafting, reviewing or compiling the names for Proclamation 10989?

Answer: I do not recall drafting, reviewing, or compiling names for Proclamation 10989.

QUESTION 98: What is your view of pardons for individuals who committed acts of violence, including against U.S. Capitol Police officers on January 6, 2021?

Answer: The President has the authority to issue pardons and chose to exercise it for those charged in connection with the events on January 6, 2021.

QUESTION 99: Former Trump campaign official Michael Roman, who was charged in the fake elector scheme, was granted a pardon by President Trump. Roman was one of your clients.

a. As an executive branch employee, did you take part in any way,

including research, drafting, review, briefings or conversations, related to the pardon?

Answer: I did not materially participate in discussions specific to Mr. Roman's pardon.

b. Did you recuse yourself from any involvement in the pardon?

Answer: I did not materially participate in discussions specific to Mr. Roman's pardon.

c. What was the time period for your work for Mr. Roman?

Answer: To the best of my knowledge, and consistent with a review of certain billing information from Dhillon Law Group, I worked on Mr. Roman's matter between June-September 2023.

d. Please describe the work you did for Mr. Roman. Did it involve any federal investigation, congressional inquiry, clemency or pardon request?

Answer: To the best of my recollection, my work involved a federal matter. It did not concern preparing a clemency or a pardon request.

e. Have you had any communication with Mr. Roman, his lawyers, family or representatives since joining the White House Counsel's Office?

Answer: Yes, we've interacted socially at various events.

QUESTION 100: Former Tennessee State Senator Brian Kelsey, who pled guilty to violating federal campaign laws, was granted a pardon by President Trump. Kelsey was one of your clients.

a. As an executive branch employee, did you take part in any way, including research, drafting, review, briefings or conversations, related to the pardon?

Answer: I did not materially participate in discussions specific to Mr.

Kelsey's pardon.

b. Did you recuse yourself from any involvement in the pardon?

Answer: I did not materially participate in discussions specific to Mr. Kelsey's pardon.

c. What was the time period for your work for Mr. Kelsey?

Answer: To the best of my knowledge, and consistent with a review of certain billing information from Dhillon Law Group, , I worked on Mr. Kelsey's matter between February-August 2023.

d. Please describe the work you did for Mr. Kelsey. Did it involve any federal investigation, congressional inquiry, clemency or pardon request?

Answer: To the best of my recollection, my work involved a federal matter. It did not concern preparing a clemency or a pardon request.

e. Have you had any communication with Mr. Kelsey, his lawyers, family or representatives since joining the White House Counsel's Office?

Answer: I believe I ran into Mr. Kelsey at at least one an event in D.C. I've met with at least one of his lawyers, though the meeting was not about Mr. Kelsey.

QUESTION 101: Have you recommended any former client for clemency or passed along a request for one?

Answer: I have not recommended any former client for clemency. I do not recall passing along any requests for clemency to grant clemency to a former client.

QUESTION 102: Did you seek or receive ethics guidance, an impartial determination, or waiver about former clients? If yes, will you provide them?

Answer: Yes, and if requested I will provide any formal written waivers.

QUESTION 103: Have you been recused from any other clemency matters, and which ones?

Answer: No, though I generally sought to avoid material participation in other clemency matters from which the White House Counsel, who was also my former law partner, recused.

QUESTION 104: During what time period did you represent Donald Trump?

Answer: To the best of my knowledge, and consistent with a review of certain billing information from Dhillon Law Group, it was in 2022-2025.

QUESTION 105: On what matters did you represent Donald Trump?

Answer: I represented or provided legal services to President Trump on a wide variety of matters, including the President's response to the January 6th Committee, civil litigation relating to January 6th and/or the President's conduct following the 2020 election, challenges to the President's eligibility under the 14th Amendment, matters concerning criminal charges brought against the President, other civil litigation, and matters involving the President's campaign, including Federal Election Commission matters, litigation concerning campaign statements, matters concerning music rights/licenses, and other administrative complaints against the campaign.

QUESTION 106: Under what circumstances, if any, would you be required to recuse yourself based on prior representation of Donald Trump?

Answer: I will follow the law and applicable ethics regulations and consult agency ethics officials and/or the Office of Government Ethics, as appropriate. I do not foresee a situation as ODNI General Counsel that would require recusal, particularly since at this point I am outside of the "covered relationship" window under 5 C.F.R. 2635.502.

QUESTION 107: Under what circumstances, if any, would you be required to recuse yourself based on prior representation of FBI Director Kashyap Patel?

Answer: I will follow the law and applicable ethics regulations.

QUESTION 108: Which of President Trump's Executive Orders and Presidential Memoranda have you worked on?

Answer: The White House Counsel's Office provides legal advice to the President regarding Executive Orders and Presidential Memorandums. As a member of that office, I do not believe I can provide a comprehensive list with any degree of confidence, particularly if "worked on" includes everything from formal written advice to informal conversations.

QUESTION 109: On November 10, 2026, the White House Counsel's Office reportedly sent a letter to Rep. Robert Garcia asserting that certain congressional oversight actions could "cross the line into blatant criminality" which "may warrant further investigation."

a. Did you play any role in the consideration of, drafting or reviewing this letter?

b. Do you believe it is ever appropriate to threaten criminal investigation of Members of Congress for conducting oversight?

Answer: I was not involved in the consideration, drafting, or reviewing of that letter.

QUESTION 110: Please describe any conversations you have had as Deputy White House Counsel with regard to investigations and/or prosecutions, including of the following individuals: Jim Comey, Senator Mark Kelly, Senator Elissa Slotkin, Representative Jason Crow, Representative Chrissy Houlahan, Representative Chris Deluzio, Representative Maggie Goodlander, Lisa Cook, Letitia James, Representative Ilhan Omar, Representative LaMonica McIver, Cassidy Hutchinson, Jerome Powell, Senator Adam Schiff, Jack Smith, Governor Tim Walz, Mayor Jacob Frey, John Brennan, E. Jean Carroll, Reid Hoffman, Miles Taylor, and Chris Krebs.

Answer: While I have had professional conversations concerning at least some of these matters as Deputy White House Counsel, including the removal process for Ms. Cook, I am bound by my legal and ethical obligations—including the protection of confidential attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those conversations.

QUESTION 111: Please describe any conversations you have had as Deputy White House Counsel with regard to the revocation of security clearances from

former government officials or from attorneys or law firms.

Answer: While I have had professional conversations concerning these matters, including litigation regarding these matters, as Deputy White House Counsel, I am bound by my legal and ethical obligations—including the protection of confidential attorney-client communications and executive branch deliberations—and therefore cannot detail the substance of those conversations.

QUESTION 112: Please describe any conversations you have had as Deputy White House Counsel with regard to efforts to obtain communications records of, search the homes of or otherwise investigate, journalists and members of the media.

Answer: I do not recall any such material conversation. To the extent that you are asking about the subpoenas issued by the Southern District of New York that were discussed in connection with Director Clayton's hearing, I was not involved in that matter.