

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Rod Jay Rosenstein

2. **Position:** State the position for which you have been nominated.

Deputy Attorney General, United States Department of Justice

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office of the United States Attorney  
36 South Charles Street  
Baltimore, Maryland 21201

Residence: Bethesda, Maryland

4. **Birthplace:** State date and place of birth.

January 13, 1965  
Philadelphia, Pennsylvania

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Harvard Law School, 1986 – 1989  
J.D., cum laude, 1989

University of Pennsylvania (Wharton School), 1982 – 1986  
B.S. in Economics, summa cum laude, 1986

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

## COMPENSATED EMPLOYMENT

2005 – present

United States Attorney for the District of Maryland  
36 South Charles Street  
Fourth Floor  
Baltimore, MD 21201

2001 – 2005

Principal Deputy Assistant Attorney General  
Tax Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

1997 – 2001

Assistant United States Attorney  
Office of the United States Attorney  
United States Courthouse  
6500 Cherrywood Lane  
Greenbelt, MD 20770

1995 – 1997

Associate Independent Counsel  
Office of the Independent Counsel  
Washington, DC  
(Office closed in 2004)

1994 – 1995

Special Assistant to the Assistant Attorney General  
Criminal Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

1993 – 1994

Counsel to the Deputy Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

1990 – 1993

Trial Attorney (Attorney General's Honors Program)  
Public Integrity Section  
Criminal Division  
United States Department of Justice

950 Pennsylvania Avenue, NW  
Washington, DC 20530

1989 – 1990

Law Clerk

United States Court of Appeals for the District of Columbia Circuit  
333 Constitution Avenue, NW  
Washington, DC 20001

Summer, 1988

Summer Associate

Schnader, Harrison, Segal & Lewis  
1600 Market Street  
Philadelphia, PA 19103

Summer, 1987

Summer Associate

Mudge Rose Guthrie, Alexander & Ferdon  
New York, NY  
(Law firm dissolved in 1997)

Summer, 1986

Employee

R/S/ Financial Corporation  
Philadelphia, PA  
(No longer in business)

#### UNCOMPENSATED EMPLOYMENT

2007 – 2011

Adjunct Professor

University of Baltimore School of Law  
1420 N. Charles Street  
Baltimore, MD 21201

2006 – 2011

Adjunct Professor

University of Maryland School of Law  
500 West Baltimore Street  
Baltimore, MD 21201

1988 – 1989

Resident Assistant

Harvard Law School  
1557 Massachusetts Avenue  
Cambridge, MA 02138

(Received free housing)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

University of Pennsylvania

1982 Benjamin Franklin Scholars Honors Program Scholarship  
1986 Phi Beta Kappa  
1986 Beta Gamma Sigma  
1986 Pi Gamma Mu  
1986 Royal Society of Arts Silver Medal

Harvard Law School

1997 Wasserstein Public Interest Fellow  
2006 Traphagen Distinguished Alumni Speaker  
2006 Federalist Society Distinguished Alumni Award

U.S. Department of Justice

1989 Attorney General's Honors Program  
1993 Commendation Award, Criminal Division  
1994 Outstanding Contribution to Justice, Office of the Deputy Attorney General  
1997 Appreciation Award, Criminal Division, Public Integrity Section  
2005 Appreciation Award, Tax Division  
2008 Appreciation Award, Attorney General's Advisory Committee

Office of the Independent Counsel

1996 Special Achievement Award, Office of the Independent Counsel  
1997 Appreciation Award, Office of the Independent Counsel

Other Government Agencies

1997 Appreciation Award, Immigration and Naturalization Service  
1998 Certificate of Appreciation, Prince George's County Police Department  
1999 Certificate of Appreciation, Bureau of Alcohol, Tobacco and Firearms  
2001 Certificate of Appreciation, U.S. Secret Service  
2001 Appreciation Award, Federal Bureau of Investigation  
2001 Appreciation Award, U.S. Department of Agriculture, Inspector General  
2001 Appreciation Award, IRS, Criminal Investigation, Baltimore Field Office  
2001 Appreciation Award, IRS, Criminal Investigation, Indianapolis Field Office

- 2001 Appreciation Award, Treasury Inspector General for Tax Administration
- 2001 Appreciation Award, U.S. Dept. of Health & Human Services, Inspector General
- 2001 Appreciation Award, Internal Revenue Service
- 2001 Appreciation Award, Postal Inspection Service
- 2005 Chief's Award, IRS Criminal Investigation Division
- 2005 Appreciation Award, Treasury Inspector General for Tax Administration
- 2007 Certificate of Appreciation, U.S. Dept. of Homeland Security, Inspector General.
- 2009 Chief's Award, Baltimore County Police Department
- 2010 Certificate of Appreciation, Office of National Drug Control Policy
- 2010 Appreciation Award, Washington/Baltimore High Intensity Drug Trafficking Area
- 2012 Certificate of Appreciation, Council of the Inspectors General on Integrity & Efficiency

Other

- 2001 Recording Industry Association of America Honorary Award
- 2006 High School Hall of Fame, Lower Moreland High School
- 2006 Special Recognition Award, Federal Law Enforcement Officers Association
- 2007 Maryland Leadership in Law Award, Maryland Daily Record
- 2007 Appreciation Award, Certified Fraud Examiners, Maryland Chapter
- 2007 Certificate of Appreciation, Mid-Atlantic Regional Gang Investigators Network
- 2008 Certificate of Appreciation, Mid-Atlantic Regional Gang Investigators Network
- 2008 President's Award, Maryland State's Attorneys' Association
- 2009 Fraud Fighter of the Year, Ass'n of Certified Fraud Examiners, Maryland Chapter
- 2009 Certificate of Appreciation, National Center for Missing & Exploited Children
- 2011 Fallen Heroes Day Appreciation Award
- 2012 Peter A. DiRito Award, Federal Bar Association, Maryland Chapter
- 2012 Certificate of Appreciation, Maryland Law Enforcement Officers, Inc.
- 2012 Certificate of Appreciation, Maryland State Bar Association
- 2013 Certificate of Appreciation, Maryland Police & Correctional Training Comm's
- 2013 President's Award, Maryland State's Attorneys' Association
- 2013 Certificate of Appreciation, National Black Prosecutors Association

**9. Bar Associations: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.**

American Bar Association

Member (1990 – present)

American Bar Foundation

Member (2010 – present)

Federal Bar Association (Maryland Chapter)

Member (2002 – present), Board Member (2005 – 2012)

Maryland State Bar Association  
Member (2003 – present)

U.S. Department of Justice

Various Committees and Working Groups (2005 – present)  
Attorney General’s Advisory Committee (2007 (est.) – 2009)  
Violent & Organized Crime Subcommittee (2006 – present)  
    Vice Chair (2008 – 2012 (est.))  
Cybercrime & Intellectual Property Subcommittee (2011 (est.) – present)  
    Vice Chair (2014 (est.) – present)  
White Collar Crime Subcommittee  
Sentencing Working Group (2009 (est.) – 2011)  
Criminal Practice Subcommittee (2010 – present)  
Health Care Fraud Working Group (2010 – present)  
Marijuana Enforcement Working Group (2013 – present)  
Anti-Gang Coordination Committee (2007 – 2011 (est.))

Washington/Baltimore High Intensity Drug Trafficking Area Executive Board  
Board Member, Ex Officio (2005 – present), Chair (2010)

Baltimore City Criminal Justice Coordinating Council  
Board Member, Ex Officio (2005 – present)

**10. Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.**

D.C. Court of Appeals, Admitted March 4, 1992, Active  
Maryland Court of Appeals, Admitted June 24, 2002, Active  
Pennsylvania Supreme Court, Admitted December 8, 1989, Temporary Inactive

I am on voluntary inactive status in Pennsylvania.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.**

State Courts

D.C. Court of Appeals, Admitted March 4, 1992, Active  
Maryland Court of Appeals, Admitted June 24, 2002, Active  
Pennsylvania Supreme Court, Admitted December 8, 1989, Temporary Inactive

I am on voluntary inactive status in Pennsylvania.

Federal District Courts

District of Columbia, Admitted June 5, 1995, Active  
Maryland, Admitted August 21, 2000, Active

Federal Circuit Courts

District of Columbia, Admitted September 12, 1990, Active  
U.S. Court of Appeals for the First Circuit, Admitted December 7, 2004, Active  
U.S. Court of Appeals for the Second Circuit, Admitted April 21, 2004, Inactive  
(since December 20, 2013)  
U.S. Court of Appeals for the Fourth Circuit, Admitted June 15, 1998, Active  
U.S. Court of Appeals for the Fifth Circuit, Admitted November 1, 1991, Active  
U.S. Court of Appeals for the Seventh Circuit, Admitted December 28, 2004,  
Active  
U.S. Court of Appeals for the Eighth Circuit, Admitted April 1, 2003, Active  
U.S. Court of Appeals for the Ninth Circuit, Admitted December 7, 1992, Active  
U.S. Court of Appeals for the Tenth Circuit, Admitted December 21, 2004, Active  
U.S. Court of Appeals for the Eleventh Circuit, Admitted December 14, 2004,  
Inactive (since June 25, 2011)

My memberships in two federal appellate court bars lapsed because I did not  
renew them.

Other Courts

U.S. Supreme Court, Admitted May 28, 2002, Active  
U.S. Tax Court, Admitted January 23, 2003, Active

**11. Memberships:**

- a. **List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.**

Edward Bennett Williams Inn of Court (2002 – present)

Lawyers' Round Table of Baltimore (2007 – present)

Serjeants Inn Law Club of Baltimore (2011 – present)

University of Pennsylvania Alumni Secondary School Committee (1998 (est.) –  
present)

Historical Society of the D.C. Circuit (2003 – 2012 (est.))

Wharton Club of D.C. (1999 (est.) – 2010 (est.))

Maryland State's Attorneys' Association (2005 – 2012)  
Board Member, Ex Officio

Temple Sinai (2008 – 2014)

U.S. Holocaust Memorial Museum (2001 (est.) – 2011)

Harvard Law School Public Interest Reunion Advisory Committee (2007 – 2008)

Federalist Society for Law & Public Policy (1989 – 1992 (est.))

Harvard Law School Association of Maryland (2002 (est.) – 2007 (est.))

Concord-St. Andrews Cooperative Nursery School (2002 – 2007)

Jewish Community Center Sports League (1993 (est.) – 2012 (est.))

Seven Locks Swim Club (2005 – 2007)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.**

To the best of my knowledge, none of the organizations discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.**

With assistance, I have sought to locate all responsive items. Despite our efforts, there may be other materials that we have been unable to identify. Copies of responsive items are included in Appendix 12a.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy**



**statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.**

With assistance, I have sought to locate all responsive items. Despite our efforts, there may be other materials that we have been unable to identify. Copies of responsive items are included in Appendix 12b.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.**

I have not given any testimony or official statements. My office routinely issues press releases about newsworthy matters. With assistance, I have sought to locate all such items. Despite our efforts, there may be other materials that we have been unable to identify. Copies of responsive items are included in Appendix 12c.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.**

I often speak about the work of my office, law enforcement issues and public service. Most of my remarks are extemporaneous, sometimes with brief notes. With assistance, I have sought to identify all responsive speeches and talks, and locate all responsive texts, outlines and notes. Despite our efforts, there may be other materials that we have been unable to identify. Copies of responsive items are included in Appendix 12d.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.**

I frequently give interviews about federal cases and law enforcement matters to newspapers, magazines and other publications, and radio and television stations. I sometimes schedule formal press conference, occasionally appear in documentary stories, and frequently agree to brief news interviews. With assistance, I have sought to identify all responsive interviews and locate all responsive clips or transcripts. Despite our efforts, there may be other materials that we have been unable to identify. Copies of responsive items are included in Appendix 12e.

**13. Public Office, Political Activities and Affiliations:**

- a. **List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.**

On November 5, 1985, I was elected to the office of Judge of Elections for Lower Moreland Township, Sixth District; Montgomery County, Pennsylvania. My term of service was 1986 – 1989.

On November 15, 2007, I was nominated to the office of United States Circuit Judge for the Fourth Circuit. The U.S. Senate did not consider my nomination.

I have been appointed to the following public offices:

1989 – 1990: Judicial Law Clerk; U.S. Court of Appeals for the District of Columbia Circuit; Douglas H. Ginsburg, Circuit Judge.

1990 – 1993: Trial Attorney (Attorney General's Honors Program); Public Integrity Section, Criminal Division, U.S. Department of Justice; Richard L. Thornburgh, Attorney General; Robert S. Mueller III, Assistant Attorney General.

1993 – 1994: Counsel to the Deputy Attorney General of the United States; Philip B. Heymann, Deputy Attorney General.

1994 – 1995: Special Assistant to the Assistant Attorney General, Criminal Division U.S. Department of Justice; Jo Ann Harris, Assistant Attorney General.

1995 – 1997: Associate Independent Counsel; Office of the Independent Counsel; Kenneth W. Starr, Independent Counsel.

1997 – 2001: Assistant U.S. Attorney; District of Maryland; Lynne A. Battaglia, United States Attorney.

2001 – 2005: Principal Deputy Assistant Attorney General; Tax Division, U.S. Department of Justice; John Ashcroft, Attorney General; Eileen J. O'Connor, Assistant Attorney General.

2005 – present: United States Attorney for the District of Maryland; President George W. Bush, with the advice and consent of the U.S. Senate.

- b. **List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have**

**ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.**

I have not been a member nor held office in or rendered services to any political party or election committee. I was a candidate to serve as a local election judge in 1985, as explained in response to Question 13(a).

**14. Legal Career: Answer each part separately.**

**a. Describe chronologically your law practice and legal experience after graduation from law school including:**

**i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;**

I served as a clerk to the Honorable Douglas H. Ginsburg, United States Court of Appeals for the District of Columbia Circuit, 1989 – 1990.

**i. whether you practiced alone, and if so, the addresses and dates;**

I have not practiced alone.

**ii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.**

Office of the United States Attorney for the District of Maryland  
36 South Charles Street, Fourth Floor  
Baltimore, MD 21201  
United States Attorney, 2005 – present

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Principal Deputy Assistant Attorney General (Tax), 2001 – 2005

Office of the United States Attorney for the District of Maryland  
36 South Charles Street, Fourth Floor  
Baltimore, MD 21201  
Assistant U.S. Attorney, 1997 – 2001

Office of the Independent Counsel  
Associate Independent Counsel, 1995 – 1997  
(Office no longer exists)

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Special Assistant to Assistant Attorney General (Criminal), 1994 – 1995

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Counsel to Deputy Attorney General, 1993 – 1994

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Trial Attorney, Criminal Division, Public Integrity Section, 1990 – 1993

United States Court of Appeals for the District of Columbia Circuit  
333 Constitution Avenue, NW  
Washington, DC 20001  
Law Clerk to Judge Douglas H. Ginsburg, 1989 – 1990

- iii. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.**

I have not served as a mediator or arbitrator.

**b. Describe:**

- i. the general character of your law practice and indicate by date when its character has changed over the years.**

From 1989 to 1990, I served as a judicial law clerk, conducting legal research and writing and preparing draft opinions.

From 1990 to 1993, as a Trial Attorney with the Public Integrity Section of the Justice Department's Criminal Division, I conducted grand jury investigations and prosecutions of public corruption cases, and I briefed and argued appeals. I appeared in court regularly.

From 1993 to 1995, as Counsel to the Deputy Attorney General and Special Assistant to the Assistant Attorney General, I worked on law enforcement policy issues.

From 1995 to 1997, as an Associate Independent Counsel, I conducted grand jury investigations and prosecutions of fraud and corruption cases, and I wrote appellate briefs. I appeared in court occasionally.

From 1997 to 2001, as a Maryland Assistant United States Attorney, I conducted grand jury investigations and handled criminal prosecutions and appeals in a wide range of criminal matters. I appeared in court frequently.

From 2001 to 2005, as Principal Deputy Assistant Attorney General for the Tax Division of the Department of Justice, I supervised the Tax Division's criminal enforcement and appellate sections, oversaw the federal criminal tax prosecution program, and served as the acting head of the Tax Division when the Assistant Attorney General was unavailable. I also personally handled appellate civil litigation. I appeared in court occasionally.

As United States Attorney, a position I have held since 2005, I oversee federal criminal and civil litigation and develop and implement federal law enforcement strategies in Maryland. I supervise an office of approximately 85 Assistant U.S. Attorneys and 75 other employees. My work involves extensive consultation with federal investigative agencies and with state and local law enforcement officials. I also personally handle some trial and appellate litigation. I appear in court occasionally.

**ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.**

I have represented the United States and its agencies, officers or employees throughout my legal career. I have specialized in criminal prosecution, trial litigation and appellate litigation for my entire career. During my clerkship, and since 2001, I also have worked on and supervised civil trial and appellate litigation. I specialized in tax enforcement from 2001 to 2005.

**c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.**

**i. Indicate the percentage of your practice in:**

- |                                    |     |
|------------------------------------|-----|
| <b>1. federal courts:</b>          | 99% |
| <b>2. state courts of record:</b>  | 1%  |
| <b>3. other courts:</b>            | 0%  |
| <b>4. administrative agencies:</b> | 0%  |

**ii. Indicate the percentage of your practice in:**

- |                                 |     |
|---------------------------------|-----|
| <b>1. civil proceedings:</b>    | 10% |
| <b>2. criminal proceedings:</b> | 90% |

- d. **State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.**

I have tried 22 criminal cases and one civil case to verdict or judgment in federal district courts. In ten cases I was lead counsel. In 13 cases I was co-counsel. I have argued 20 appeals in federal appellate courts.

- i. **What percentage of these trials were:**

- |              |      |
|--------------|------|
| 1. jury:     | 100% |
| 2. non-jury: | 0%   |

- e. **Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.**

I have not practiced before the Supreme Court of the United States.

15. **Litigation: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:**

- a. **the date of representation;**
- b. **the name of the court and the name of the judge or judges before whom the case was litigated; and**
- c. **the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.**

1. United States v. Cartwright  
Case No. 16-CR-0188 (D.D.C. 2017)  
U.S. District Court for the District of Columbia  
Richard J. Leon  
2012 – 2017

On June 8, 2012, Attorney General Eric H. Holder assigned me to conduct an investigation of alleged leaks of classified information. The defendant pleaded guilty on October 17, 2016, to the crime of falsely denying to federal authorities that he had disclosed classified information. On January 17, 2017, prior to

sentencing, President Barack Obama pardoned the defendant. I represented the United States as co-counsel.

Co-Counsel:

Leo J. Wise  
Assistant U.S. Attorney  
District of Maryland  
36 S. Charles Street, Fourth Floor  
Baltimore, MD 21201  
(410) 209-4800

Principal Counsel for Opposing Party:

Gregory B. Craig  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, DC 20005  
(202) 661-9100

2. United States v. Graham & Jordan  
796 F.3d 332 (4th Cir. 2015)  
U.S. Court of Appeals for the Fourth Circuit  
Diana G. Motz, Stephanie. D. Thacker, Andre M. Davis  
824 F.3d 421 (4th Cir. May 31, 2016) (en banc)  
U.S. Court of Appeals for the Fourth Circuit  
En banc (15 judges)  
2014 – 2016

The defendants were convicted in the district court of multiple charges related to a series of six armed robberies of business establishments in Baltimore City and Baltimore County, Maryland. The appeal, inter alia, raised the question whether the Fourth Amendment requires the government to obtain a warrant supported by probable cause before obtaining records from cell phone providers showing historical cell-site location information. The government obtained the records pursuant to a federal court order issued under the Stored Communications Act, after presenting specific and articulable facts showing that there were reasonable grounds to believe that the records were relevant and material to an ongoing criminal investigation. A panel of the Fourth Circuit ruled that a search warrant is required, with a showing of probable cause. Sitting en banc, the entire Fourth Circuit ruled that no search warrant is required. I argued the case before the panel in 2014 and before the en banc court in 2016, on behalf of the United States.

Co-Counsel:

Sujit M. Raman  
Associate Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.

Washington, DC 20530  
(202) 514-2101

Principal Counsel for Opposing Parties:  
Meghan S. Skelton (Graham)  
Assistant Federal Public Defender  
100 South Charles Street #900  
Baltimore, MD 21201  
(410) 962-3962

Ruth J. Vernet (Jordan)  
31 Wood Lane  
Rockville, MD 20852  
(301) 251-9500

3. United States v. Jason Scott  
Case No. 10-CR-0031-PJM (D. Maryland)  
U.S. District Court for the District of Maryland  
Peter J. Messitte  
Case No. 12-4130, 531 Fed. Appx. 283 (4th Cir. Jun. 26, 2013)  
U.S. Court of Appeals for the Fourth Circuit  
Barbara M. Keenan, Henry F. Floyd, Henry E. Hudson  
2010 – 2013

The defendant was convicted at trial of 11 counts relating to a series of crimes committed during more than 50 burglaries and nine armed home invasions, including carjacking, production of child pornography, theft of firearms and related gun charges. The federal judge imposed a sentence of 100 years. The defendant subsequently pleaded guilty in state court to two murders. I represented the United States as co-counsel at trial and as lead counsel on appeal.

Co-Counsel:  
Stacy Dawson Belf (Trial)  
State Street Corporation  
SFC10  
Boston, MA 02111  
(617) 664-3855

Jonathan Biran (Appeal)  
Biran Kelly  
201 North Charles Street  
Suite 2600  
Baltimore, MD 21201  
(410) 625-2500

Principal Counsel for Opposing Party:



Kobie Flowers (Trial)  
Brown Goldstein Levy  
1750 K Street, N.W.  
Suite 200  
Washington, DC 20006  
(202) 742-5969

Marc Gregory Hall (Appeal)  
20 Courthouse Square, Suite 214  
Rockville, MD 20850  
(301) 309-6678

4. United States v. Moye  
454 F.3d 390 (4th Cir. 2006) (en banc)  
U.S. Court of Appeals for the Fourth Circuit  
William W. Wilkins, Hiram Emory Widener Jr., J. Harvie Wilkinson III, Paul V. Niemeyer, John Michael Luttig, Karen J. Williams, M. Blane Michael, Diana Gribbon Motz, William B. Traxler Jr., Robert B. King, Roger L. Gregory, Dennis W. Shedd, Allyson K. Duncan, Clyde H. Hamilton  
2005 - 2006

The defendant was convicted at trial of the crimes of felon in possession of a firearm, 18 U.S.C. § 922(g), and possession of a stolen firearm, 18 U.S.C. § 922(c), after he was caught stealing weapons from a gun store. A Fourth Circuit panel majority reversed the convictions, concluding that there was insufficient evidence of guilt, that the government improperly suggested in closing argument that the jury could infer consciousness of guilt of a federal crime from the defendant's flight, and that the court gave an erroneous aiding-and-abetting instruction. Sitting en banc, the Fourth Circuit upheld the convictions. The court ruled unanimously that there was sufficient evidence and that there was no error in the government's closing arguing, and all but one judge ruled that the aiding and abetting instruction did not warrant reversal. I argued the en banc appeal on behalf of the United States.

Co-Counsel:  
The Honorable George L. Russell, III  
U.S. District Judge  
District of Maryland  
101 West Lombard Street  
Baltimore, MD 21201  
(410) 962-4055

Principal Counsel for Opposing Party:  
William Scott Little  
Stark & Little  
723 South Charles Street

Baltimore, MD 21230  
(410) 539-3545

5. Siddiqui v. United States  
359 F.3d 1200 (9th Cir. 2004)  
U.S. Court of Appeals for the Ninth Circuit  
Arthur L. Alarcon, Robert R. Beezer, William A. Fletcher  
2003 – 2004

An IRS agent violated 26 U.S.C. § 6103 by improperly disclosing information about a criminal tax investigation at a party attended by 100 people in Arizona, but the six plaintiffs suffered no actual harm. The district court ruled that each plaintiff was entitled to \$1,000 statutory damages under 26 U.S.C. § 7431 and that the statute did not authorize plaintiffs to recover punitive damages in the absence of actual damages. This appeal raised the questions whether (1) each plaintiff could recover \$1,000 for each person who heard the disclosure, and (2) plaintiffs could recover punitive damages in the absence of actual damages. The Ninth Circuit ruled that where an IRS agent makes an unauthorized disclosure of tax information but the plaintiff suffered no actual damages, the United States is liable for only \$1,000 for each act of disclosure and is not liable for punitive damages under 26 U.S.C. § 7431. I wrote the brief and argued the appeal on behalf of the United States.

Co-Counsel:  
Jonathan S. Cohen  
Tax Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 514-2970

Principal Counsel for Opposing Parties:  
A. Jerry Busby  
*deceased*

6. United States v. Luskin  
87-CR-478 (D. Maryland)  
U.S. District Court for the District of Maryland  
J. Frederick Motz  
2001 WL 935350, Case No. 00-4846 (4th Cir. Aug. 17, 2001)  
U.S. Court of Appeals for the Fourth Circuit  
Karen J. Williams, Robert B. King, Roger L. Gregory  
1999 – 2001

Paul Luskin was convicted in 1988 on eight felony counts after he hired hit men who made multiple attempts to murder his wife. In 2000, over the government's

objection, the district court granted a motion to reduce Luskin's sentence. The United States appealed, contending that the district court lacked jurisdiction to reduce the sentence and that the court erroneously granted the sentence reduction. The Fourth Circuit ruled for the United States, concluding that the district court erroneously reduced the sentence. I litigated the issue as lead counsel in the district court, then wrote the brief and argued the appeal on behalf of the United States.

Co-Counsel:  
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(410) 209-4856

Principal Counsel for Opposing Party:  
Martin S. Himeles, Jr.  
Zuckerman Spaeder LLP  
100 East Pratt Street, Suite 2440  
Baltimore, MD 21202  
(410) 332-0457

7. United States v. Oyefusi, Arinzechi & Udegbe  
99-CR-367-AW (D. Maryland)  
U.S. District Court for the District of Maryland  
Alexander Williams, Jr.  
1999 – 2001

Ligali Oyefusi, Godwin Arinzechi and Hyacinth Udegbe were indicted in 1999 on charges of conspiracy to defraud the United States by filing false claims, in violation of 18 U.S.C. § 286. The charges related to the submission of forged and fraudulent income tax returns requesting refund checks from the Internal Revenue Service in the names of other persons. Udegbe pleaded guilty to conspiracy, as did another co-conspirator, Olufemi Oduwole. In 2000, Oyefusi and Arinzechi were found guilty after a jury trial. Oduwole was sentenced to a term of probation and ordered to pay restitution of \$112,000. Udegbe was sentenced to serve 6 months in prison and pay restitution of \$256,000. Oyefusi was sentenced to serve 42 months in prison and Arinzechi to serve 33 months in prison, based on an intended fraud loss of \$773,000. Each defendant's term was to be followed by 3 years of supervised release. The court also imposed restitution against Arinzechi and Oyefusi in the amount of \$256,000. The convictions were upheld on appeal. I represented the United States as lead counsel during the investigation and trial.

Co-Counsel:  
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Baker Donelson  
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Washington, DC 20005  
(202) 326-5030

Principal Counsel for Opposing Parties:  
Daniel W. Stiller (Oyefusi)  
DStiller LLC  
Box 511130  
Milwaukee, WI 53203

Honorable Timothy J. Sullivan (Arinzechi)  
U.S. Magistrate Judge  
6500 Cherrywood Lane  
Greenbelt, MD 20770  
(301) 344-3593

Timothy F. Maloney (Udegbe)  
Joseph, Greenwald & Laake, P.A.  
6404 Ivy Lane, Suite 400  
Greenbelt, MD 20770  
(301) 220-2200

8. United States v. Kinter  
98-CR-493-DKC (D. Maryland)  
U.S. District Court for the District of Maryland  
Deborah K. Chasanow  
235 F.3d 192 (4th Cir. 2000)  
U.S. Court of Appeals for the Fourth Circuit  
Paul V. Niemeyer, William B. Traxler, Jr., Frederick P. Stamp, Jr.  
1998 – 2000

Paul Kinter was charged by indictment with the crimes of conspiracy, in violation of 18 U.S.C. § 371; payment of a bribe, in violation of 18 U.S.C. § 201(b)(1); and payment of a gratuity, in violation 18 U.S.C. § 201(c)(1)(A). The indictment charged that Kinter participated in a scheme to bribe an Internal Revenue Service official in order to secure government contracts for computer maintenance services. Kinter pleaded guilty to all counts of the indictment. The district court determined that the profit exceeded \$5 million and sentenced Kinter to serve 46 months in prison. IRS employee Scott King also pleaded guilty for his role in receiving bribe payments. Kinter's sentence was upheld on appeal. I represented the United States as lead counsel during the investigation, prosecution and appeal.

Co-Counsel:  
Jan Paul Miller  
Thompson Coburn LLP  
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St. Louis, MO 63101

(314) 552-6000

Principal Counsel for Opposing Party:

Barry J. Pollack  
Miller & Chevalier  
900 16<sup>th</sup> Street, NW  
Washington, DC 20006  
(202) 626-5800

9. United States v. Dia April Montague  
98-CR-205-DKC (D. Maryland)  
U.S. District Court for the District of Maryland  
Deborah K. Chasanow  
1999 WL 1256876, Case No. 98-4787 (4th Cir. Dec. 28, 1999)  
U.S. Court of Appeals for the Fourth Circuit  
William W. Wilkins, J. Michael Luttig, John D. Butzner, Jr.  
1998 – 1999

Dia April Montague, the head teller of the Maryland State Employees Credit Union in Silver Spring, Maryland, was charged by indictment with committing armed robbery of the credit union, in violation of 18 U.S.C. § 2113(a) and (d), and using a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c). The jury found Montague guilty on all counts. The district court sentenced her to a total term of imprisonment of 195 months. The convictions were upheld on appeal. Co-conspirators Marques Boyer and Robert English pleaded guilty. I represented the United States as co-counsel during the investigation and trial, and as sole counsel during the appeal.

Co-Counsel:

Maury S. Epner  
Selzer Gurvitch  
4416 East West Highway  
Fourth Floor  
Baltimore, MD 20814  
(301) 634-3175

Principal Counsel for Opposing Party:

Randolph O. Gregory, Sr.  
*deceased*

10. United States v. J. McDougal, S. McDougal & J. Tucker  
LR-CR- 95-713 (E.D. Arkansas)  
U.S. District Court for the E.D. Arkansas, George Howard, Jr.  
U.S. v. McDougal, 133 F.3d 1110 (8th Cir. 1998)  
U.S. Court of Appeals for the Eighth Circuit  
George G. Fagg, Frank J. Magill, David R. Hansen (J.McDougal)

U.S. v. McDougal, 137 F.3d 547 (8th Cir. 1998)  
U.S. v. Tucker, 137 F.3d 1016 (8th Cir. 1998)  
U.S. v. Tucker, 243 F.3d 499 (8th Cir. 2001)  
Theodore McMillian, John R. Gibson, C. Arlen Beam (S. McDougal & J. Tucker)  
1995 – 2001

James B. McDougal, Susan H. McDougal and Jim Guy Tucker were charged with conspiracy and engaging in fraudulent transactions, including misapplying funds from and entering false statements in the books and records of Madison Guaranty Savings & Loan, a federally-insured financial institution, and Capital Management Services (CMS), a small business investment company. The defendants sought to generate fraudulent profits and engage in land flips in which the investors incurred no personal risk. The schemes involved the use of third-party nominees, false appraisals and fraudulent loan documents.

After a three-month jury trial, James B. McDougal was convicted of conspiracy to defraud the United States, 18 U.S.C. § 371; wire, bank, and mail fraud, 18 U.S.C. §§ 1343, 1344, 1341; aiding and abetting false statements to and entries in the books and records of federal credit institutions, 18 U.S.C. § 1006; aiding and abetting false statements in loan and credit applications to influence a federal loan institution, 18 U.S.C. § 1014; and aiding and abetting misapplication of small business investment company funds, 18 U.S.C. § 657. James B. McDougal was sentenced to serve 36 months in prison.

Susan McDougal was convicted on four counts relating to a \$300,000 Small Business Administration loan. She was convicted of mail fraud for submitting a false document, in violation of 18 U.S.C. § 1341; aiding and abetting in the misapplication of the funds from the loan, in violation of 18 U.S.C.A. § 657; aiding and abetting the making of a false entry about the purpose of the loan, in violation of 18 U.S.C. § 1006; and aiding and abetting in making a false statement, in violation of 18 U.S.C.A. § 1014. Susan McDougal was sentenced to serve 24 months in prison.

Jim Guy Tucker was convicted of conspiracy, 18 U.S.C. § 371, and mail fraud, 18 U.S.C. § 1341, in connection with a loan from Capital Management Services to Castle Sewer and Water Corp. Tucker was sentenced to serve 18 months of home detention.

I represented the United States as co-counsel during the investigation, trial and appeals. All convictions and sentences were affirmed on appeal.

Co-counsel:  
W. Ray Jahn  
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San Antonio, TX 78209  
(210) 828-7535

The Honorable Amy J. St. Eve  
Judge, United States District Court  
Northern District of Illinois  
Everett McKinley Dirksen Building  
219 South Dearborn Street  
Chicago, IL 60604  
(312) 435-5686

Jackie M. Bennett, Jr.  
Taft  
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Suite 3500  
Indianapolis, IN 46204  
(317) 713-3444

Principal Counsel for Opposing Parties:

George B. Collins (Jim Guy Tucker)  
*deceased*

Sam Heuer (James B. McDougal)  
*deceased*

Jenniffer Horan (Susan McDougal)  
Federal Public Defender  
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Little Rock, AR 72201  
(501) 324-6113

- 16. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)**

From 1989 to 1990, as a law clerk for the Honorable Douglas H. Ginsburg, U.S. Court of Appeals for the District of Columbia Circuit, I reviewed briefs, attended oral arguments, conducted legal research, wrote memoranda and helped the judge to prepare judicial opinions.

From 1990 to 1993, as a Trial Attorney with the Public Integrity Section of the Justice Department's Criminal Division, I conducted numerous grand jury investigations and prosecutions as lead counsel or second chair, and I tried four felony cases as co-counsel.

I wrote four criminal appellate briefs in whole or in substantial part, and I argued one appeal. I participated in two corruption prosecutions that involved federal judges and several sensitive investigations.

From 1993 to 1994, while I was serving on detail as Counsel to Deputy Attorney General Philip B. Heymann, I assisted the Deputy Attorney General in developing a series of recommendations to improve the capacity of federal law enforcement to deal with hostage/barricade situations, in connection with the Justice Department's review of the confrontation with the Branch Davidians in Waco, Texas. I also helped to revise the Office of Professional Responsibility's policies for misconduct allegations.

From 1994 to 1995, I was a Special Assistant to Criminal Division Assistant Attorney General Jo Ann Harris. I assisted the Assistant Attorney General in reviewing proposed criminal prosecutions and evaluating ethics issues, including proposals to establish a nationwide Professional Responsibility Officer program.

From 1995 to 1997, I served as an Associate Independent Counsel for the Whitewater investigation. From 1995 to 1996, I was based in Little Rock, Arkansas, where I conducted grand jury investigations and was a member of the trial team that prosecuted Arkansas Governor Jim Guy Tucker, James McDougal and Susan McDougal. I also wrote all or part of briefs defending their convictions on appeal.

From 1996 to 1997, I was the lead prosecutor conducting the Independent Counsel's "FBI Files" investigation of allegations that the White House wrongly obtained background reports from the FBI, in Washington, D.C. That investigation was closed without any prosecutions.

From 1997 to 2001, I was an Assistant United States Attorney in Maryland. I conducted many grand jury investigations, prosecuted approximately 100 criminal defendants and tried 15 felony jury trials. I also wrote 15 appellate briefs in whole or in part, and I argued two appeals.

In Maryland, I handled a felony docket that included prosecutions of tax fraud, mail fraud, bankruptcy fraud, public corruption, counterfeiting, identity fraud, bank fraud, health care fraud, cyber-crime, intellectual property theft, perjury, drug dealing, child sex abuse, money laundering, racketeering, automobile theft, armed bank robbery, illegal firearms possession, kidnapping and murder.

My white collar criminal cases included a conspiracy to bribe an IRS contracting officer in connection with a multi-million-dollar contract for IRS computers and a scheme to defraud major computer companies of several million dollars. I also prosecuted many illegal firearms and violent crime cases. I handled two significant cases of interstate travel with the intent to engage in sex with a child under the FBI's "Innocent Images" program, which began in Maryland. One defendant was a Broadway musical director and the other was an Army major. I also investigated and prosecuted the first



international parental kidnapping case in Maryland, and I led an intensive murder investigation that later resulted in the convictions of two defendants.

In 1998, I was co-counsel in the prosecution of three defendants for the armed robbery of the Maryland State Employees Credit Union. The thieves stole more than \$400,000 in what was reportedly the largest bank robbery in Maryland history.

As an Assistant U.S. Attorney, I also supervised the law student intern program and served as the coordinator of the credit card fraud and international assistance programs.

From 2001 to 2005, I served as Principal Deputy Assistant Attorney General for the Tax Division of the Department of Justice. I was responsible for supervising the Tax Division's four criminal trial and appellate sections, which included more than 90 attorneys and 30 support staff, and for coordinating the tax enforcement activities of the Internal Revenue Service, the Tax Division and the United States Attorneys. In addition, I oversaw civil litigation and served as the acting head of the Tax Division when the Assistant Attorney General was unavailable.

In addition to my supervisory work in the Tax Division, I personally briefed and argued appeals in civil cases. I was the primary author of the Government's briefs in two civil appeals, and I argued four civil appeals.

As United States Attorney, I oversee federal criminal and civil litigation and develop and implement federal law enforcement strategies in Maryland. I supervise an office of approximately 85 Assistant U.S. Attorneys and 75 other employees. My work involves extensive consultation with the various federal investigative agencies and with state and local law enforcement officials.

In addition to my supervisory and policymaking responsibilities, while serving as U.S. Attorney I personally presented 13 appellate arguments in the U.S. Court of Appeals for the Fourth Circuit, and I tried one civil case and two criminal cases before juries in the U.S. District Court for the District of Maryland. I also conducted a lengthy criminal investigation that resulted in a guilty plea in the U.S. District Court for the District of Columbia.

I also have participated, in the Attorney General's Advisory Committee of U.S. Attorneys and as a member of subcommittees and working groups over the past 12 years.

**17. Teaching: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.**

As an adjunct professor, I co-taught a seminar on federal criminal prosecution at the University of Maryland School of Law from 2006 until 2011. Syllabuses are included in Appendix 17.

As an adjunct professor, I taught a seminar on trial advocacy at the University of Baltimore School of Law from 2007 until 2010. Syllabuses are included in Appendix 17.

Since 2002, I have served as a faculty member or guest for one to three days most summers at Georgetown University's National Institute for Trial Advocacy "Intensive Session in Trial Advocacy Skills."

All of my teaching has been without compensation.

- 18. Deferred Income/ Future Benefits: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.**

None.

- 19. Outside Commitments During Service: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.**

No.

- 20. Sources of Income: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).**

The current OGE-278 will be delivered directly to the Committee by the Office of Government Ethics.

- 21. Statement of Net Worth: Please complete the attached financial net worth statement in detail (add schedules as called for).**

A copy of my Net Worth Statement is attached.

- 22. Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.**

I have consulted with the Department of Justice's Designated Agency Ethics Officials to identify any potential conflict and will follow their guidance if confronted with a potential conflict of interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.**

I will seek advice from the Department of Justice's Designated Agency Ethics Officials and take any appropriate steps to resolve any potential conflict.

- 23. Pro Bono Work: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.**

My entire legal career has been devoted to public service, and much of my work directly benefits disadvantaged persons. In addition to my official duties and public speaking, I have taught without compensation at area law schools, served as a judge at law school moot court and mock trial competitions, and counseled other lawyers who have devoted some or all of their careers to public service.

**WRITTEN STATEMENT OF ROD J. ROSENSTEIN**  
**NOMINEE TO SERVE AS DEPUTY ATTORNEY GENERAL**  
**UNITED STATES SENATE**  
**COMMITTEE ON THE JUDICIARY**  
**WASHINGTON, D.C.**  
**MARCH 7, 2017**

Chairman Grassley, Ranking Member Feinstein, and other members of the Committee, it is a great privilege for me to be here. Thank you for scheduling this hearing, and thank you for taking the time to meet with me in your offices over the past two weeks.

I am very grateful to Senator Cardin and Senator Van Hollen for their generous introductions, and for their consistent support of law enforcement in my home state of Maryland.

My presence today is possible only because of a supportive family, exceptional colleagues, and my good fortune in being a part of one of America's crown jewels. The United States Department of Justice has been my professional home for almost three decades. I have served under five Presidents and nine Attorneys General. On every floor of the Robert F. Kennedy Main Justice Building, there are reminders of the heroes, mentors and friends who have occupied offices along the stately hallways. They taught me that the Justice Department stands for the principle that every American deserves equal protection under the rule of law. I want to thank the Attorney General and the President for placing their trust in me to help manage the Department and enforce the principle.

Please allow me to introduce the relatives who are here with me today. My wife, Lisa, is a former Assistant U.S. Attorney who shares my affection for the Justice Department. She now devotes much of her time to our most impressive accomplishments, our daughters, Julia and Allison. I would not be here today without Lisa's love and support.

At our local high school, Julie and Allie recently studied the confirmation process. They will never forget this opportunity to see it in operation. Allie was eager to attend, even though it required her to break her perfect school attendance record. Julie writes for the school newspaper, but journalistic ethics preclude her from reporting about this event. Julie and Allie are excellent students, superb athletes and fundamentally good people. I am thankful for their love and their understanding about the demands of my career, and I look forward to watching them continue to pursue their life journeys.

I am proud that my parents, Robert and Gerri Rosenstein, are here to share this moment. My mom worked as a bookkeeper and served as the president of the local school board. My dad ran a small business in Philadelphia with a partner, Miriam Smalls, who is also here.

My parents raised two children. They encouraged us to take full advantage of the limitless promise of America, even when it took us far from their home. It is probably not a coincidence that we both have spent our entire careers as federal public servants. My sister, Dr. Nancy Messonnier, traveled here from Atlanta, where she is the Director of the National Center for Immunization and Respiratory Diseases at the Centers for Disease Control and Prevention.

My mother-in-law, Alice Barsoomian, flew here from California with one of her sisters, Rita Arslanian.

I am grateful for the support of many other family members, friends and colleagues who are in this hearing room or watching the broadcast.

In my small hometown of Lower Moreland, Pennsylvania, I learned straightforward values. Work hard. Play by the rules. Question assumptions, but treat everyone with respect. Read widely, write coherently and speak thoughtfully. Expect nothing, and be grateful for everything. Remain gracious in times of defeat, and humble in moments of victory. And try to leave things better than you found them.

After high school, I attended the Wharton School of Business, where I studied public policy, management and economics. My interest in government led me to Harvard Law School.

During my senior year of college, I read a newspaper article about the large salaries paid to law firm associates. I remember thinking that I probably would be in their shoes in a few years. But something intervened and caused me to take a different path: I served as an intern for the U.S. Attorney's Office in Massachusetts. The federal prosecutors, agents and support employees who worked there were men and women of great intellect and integrity. They spoke about doing the right thing and keeping people safe, and they took immense pride in their careers. I aspired to work with professionals like them.

I started my career as a law clerk to Judge Douglas Ginsburg, on the U.S. Court of Appeals for the District of Columbia Circuit. In 1990, I joined the Justice Department as a public corruption prosecutor in the Criminal Division, under the leadership of Robert Mueller. During the Clinton Administration, I worked directly for Deputy Attorney General Philip Heymann and Criminal Division Assistant Attorney General Jo Ann Harris. After serving on detail to Independent Counsel Ken Starr for two years, I moved to Maryland when U.S. Attorney Lynne Battaglia hired me as an Assistant U.S. Attorney. In the Bush Administration, I served as Principal Deputy to Tax Division Assistant Attorney General Eileen O'Connor, who is seated with my family today.

Those distinguished government lawyers are most responsible for my career, but many other exemplary public servants taught me, inspired me and guided me along the way.

When I became a U.S. Attorney, I expected to serve for just four years, under President Bush. I am grateful to President Obama for demonstrating his confidence in me by allowing me to serve in his administration for eight years. With support from Senators Mikulski, Cardin and Sarbanes, I have been a U.S. Attorney for 12 years, under three Presidents.

I partnered with three Maryland Governors – Robert Ehrlich, Martin O'Malley and Larry Hogan – with three state Attorneys General – Joseph Curran, Douglas Gansler and Brian Frosh – and with many other officials to fight crime, protect national security and improve the lives of our citizens.

Political affiliation is irrelevant to my work. Effective law enforcement requires us to work cooperatively with all local, state and federal partners, and with private sector stakeholders. We relied on that model in Maryland to implement a comprehensive and proactive strategy to reduce gun crime and dismantle criminal gangs. Violent crime declined for nearly a decade.

A case that I personally prosecuted a few years ago illustrates how much damage one violent repeat offender can do to a community, and how law enforcement agencies can prevent crime by working together. The defendant committed more than 50 burglaries and nine armed home invasion robberies. During one robbery, he sexually assaulted a child. Authorities who executed a search warrant at the suspect's home discovered an arsenal of stolen weapons and ammunition. They also uncovered evidence that the defendant was a vicious serial killer known as the "mother-daughter killer." Although the federal charges did not include murder, the judge imposed a life sentence. After our conviction was upheld on appeal, the defendant confessed to murder in state court. The surviving victims were relieved to see justice done. The federal agents and local police officers who caught that sociopathic criminal almost certainly saved lives.

The hardworking men and women of the U.S. Attorney's Office and our partner agencies achieved notable results in many priority areas during my tenure, including corruption, fraud, child exploitation, civil rights, human trafficking, narcotics, organized crime and national security prosecutions; as well as in false claims act and other civil litigation.

Corruption and civil rights cases are among our most sensitive and important matters, particularly when other agencies have not vindicated the rights of victims. Iconic photographs from the 1960s show Justice Department lawyers and U.S. Marshals protecting students from racist attacks on their way to school. Modern cases may not be as dramatic, but they continue to illuminate and address the harm caused when government officials disregard the rule of law.

Last Wednesday, our U.S. Attorney's Office announced charges against seven Baltimore City police officers for allegedly abusing their authority by robbing citizens, filing false police reports and defrauding taxpayers. Prosecuting corrupt police officers is essential both to protect victims and to support honorable officers whose reputations are unfairly tarnished.

Our office also has prosecuted dozens of correctional officers who abused their power and mistreated inmates, and we recently filed corruption charges against elected officials for allegedly betraying their constituents by taking bribes.

Gathering the evidence for those cases required thousands of hours of painstaking work by talented federal agents and prosecutors, over many months and sometimes years. Their efforts pay off in several ways: criminals are held accountable; crime is deterred; and policy changes sometimes are adopted to prevent corruption from reoccurring.

Enforcement is our primary tool, but we also engage directly in crime prevention. One of our employees works full-time educating school groups and community organizations about gangs, child exploitation and drug abuse. Another employee focuses on monitoring reentry programs for ex-offenders and arranging for prosecutors to speak with school students. We also

hold “call-in” sessions; joining with local officials, we meet with groups of ex-offenders to warn them about the potential consequences they will face if they are caught with guns.

The most significant change in the Justice Department this century is the high priority we now place on preventing terrorism. On September 11, 2001, I was a prosecutor based in the federal courthouse in Greenbelt, Maryland. From our office windows, we saw smoke rising over the Pentagon. We later learned that some of the terrorists had used a gym just two miles away from our courthouse, in a mall that we often visited for lunch. Preventing terrorism was not my responsibility then, but it is our top priority now. Our Anti-Terrorism Advisory Council works with all stakeholders, and the Maryland Coordination and Analysis Center is a model fusion center for sharing national security and law enforcement intelligence.

My office includes 160 employees, and we receive additional support from volunteers and detailees. Our Special Assistant U.S. Attorney program supplements our staff, provides valuable experiences for the lawyers, and builds useful relationships. Our student intern program is another point of pride. A law school internship in Boston fueled my interest in the Justice Department, and we have given hundreds of aspiring lawyers a similar opportunity in Baltimore and Greenbelt. Many of them go on to pursue public service careers.

The mission of pursuing justice attracted me to law enforcement, but the people who carry out the mission are what I treasure most about my job. With few exceptions, they are honorable, principled and trustworthy. I emphasize that point when I teach in classrooms and speak in public forums. If I become the Deputy Attorney General, I will draw on my personal experience with thousands of upstanding law enforcement officers as I seek to build public trust in our criminal justice system and to implement change where needed.

Law enforcement officers need to be role models. I remind police and prosecutors that we do not just represent the government. From the perspective of many citizens, we are the government. Contacts with law enforcement officers create indelible memories. That gives us a special responsibility to adhere to ethical and professional standards.

When faced with difficult issues, wise Justice Department veterans taught me to ask the right questions. The first question is: What *can* we do? It is essential to understand the extent of our power and the boundaries of the law. The second question is: What *should* we do? Our decision how to achieve justice must be informed by an appreciation of the intended and unintended consequences. The final question is: How will we explain it? Inspiring public confidence is part of our job, and that requires us to be as forthcoming and transparent as possible about our rationale.

The public may sometimes judge us only by whether we secure a conviction. But we hold ourselves to a higher standard. Justice is our name, and justice is our mission. Attorney General Robert Jackson famously said that “the citizen’s safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility.”

With those words in mind, we seek to hire and promote men and women who demonstrate exceptional integrity, because the rule of law is not about words on paper. It depends upon the character of the people who enforce the law. I encourage prosecutors to remember how they felt the first time they announced to the court, “I represent the United States,” and stay in the job only so long as they are grateful to have that opportunity.

I continue to serve because the awe that I experienced the first time I entered the Main Justice building has never waned. But the grand hallways are familiar now. They echo with the voices of mentors and friends. I strive to live by the principles they taught me.

If my nomination is confirmed, I will approach the job with deep respect for the institution and employees of the Department of Justice, with acute understanding of our role in the constitutional structure, and with profound appreciation of our weighty responsibilities.

The oath of office is an obligation. It requires me to support and defend the Constitution of the United States; to bear true faith and allegiance to the Constitution; and to well and faithfully discharge the duties of my office. I have taken that oath several times, and I have administered it many times. I know it by heart. I understand what it means, and I intend to follow it.

If you confirm my nomination, I will work to defend the integrity and independence of the Justice Department; to protect public safety; to preserve civil rights; to seek justice; to advance the rule of law; and to promote public confidence.

Our predecessors worked hard to build trust in the Justice Department. Now it falls to us to preserve, protect and defend that legacy, and bequeath it to our successors. The members of this committee are indispensable partners in pursuing those goals.

Thank you for considering my nomination.