

Senate Armed Services Committee
Advance Policy Questions for Mr. David Denton, Jr.
Nominee to be General Counsel of the Department of the Navy

Duties and Responsibilities

Section 8019 of title 10, U.S. Code, establishes the position of the Department of the Navy General Counsel and provides that the General Counsel shall perform such functions as the Secretary of the Navy may prescribe.

1. What is your understanding of the current duties and functions of the General Counsel of the Department of the Navy?

I understand the General Counsel of the Department of the Navy performs the duties and functions assigned by the Secretary of the Navy. I understand the General Counsel is the principal legal advisor to the Secretary of the Navy and the chief legal officer of the Department of the Navy. As the principal legal advisor, duties include providing legal advice to the Secretary of the Navy, the Under Secretary of the Navy, the civilian executive assistants, staff assistants, and their respective staff on all matters affecting the Department. As the chief legal officer of the Department, I understand the legal opinions of the General Counsel are the controlling legal opinions within the Department.

I also understand the General Counsel is the head of the Office of General Counsel, overseeing the provision of legal advice and services throughout the Department, including litigation, within core practice areas. I also understand the General Counsel serves as the Designated Agency Ethics Official for the Department; oversees the Department's Acquisition Integrity Program; serves as the Suspension and Debarment Official; manages the Alternative Dispute Resolution Program; advises and assists with oversight of the Naval Criminal Investigative Service and the Department's overall law enforcement and related activities; and assists the Secretary with overseeing all Department of the Navy intelligence and sensitive activities. I understand the General Counsel also works closely with the General Counsels of the Department of Defense and the other military departments, as well as with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps, on matters of mutual interest.

2. If confirmed, what additional duties and functions do you expect the Secretary of the Navy to prescribe for you?

I have not been advised on any additional duties or functions that the Secretary of the Navy may prescribe to the General Counsel. If confirmed, however, I welcome any duties and functions that Secretary Phelan may prescribe to assist in meeting the Department's mission.

3. If confirmed, specifically what would you do to ensure that your tenure as Navy

General Counsel epitomizes the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

If confirmed, I expect to adhere closely to foundational, traditional, and legal principles regarding civilian control of the armed forces. As the chief legal officer for the Department, if confirmed, I would ensure I provide sound legal advice to senior leaders to maintain the appropriate lines of authority. Equally important, if confirmed, I will ensure I personally demonstrate—through my example, my guidance, and my decisions—that the primacy of civilian leadership of the Department is an indispensable underpinning of the role of the armed forces in our democracy.

4. In your opinion, who is the “client” of the Navy General Counsel?

The Department of the Navy is the General Counsel’s client.

5. What is your view of the responsibility and authority associated with the Navy General Counsel’s designation as the Chief Legal Officer of the Department of the Navy?

As the Chief Legal Officer of the Department, I understand the General Counsel to be responsible for the Department’s controlling legal opinions. As Chief Legal Officer, I understand the General Counsel also provides or oversees legal advice, counsel, and guidance to the Secretary, the Under Secretary, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their respective staffs on all matters affecting the Department of the Navy subject to all requirements in law.

6. If confirmed, how would you view your role as the Navy General Counsel with respect to the General Counsel of the Department of Defense (DOD) in his role as the DOD Chief Legal Officer?

If confirmed, I would work closely with the General Counsel of the Department of Defense on matters of mutual interest or concern. If confirmed, I also expect to coordinate with the General Counsel of the Department of Defense on novel or significant questions of law or legal matters of first impression, and when engaging legal counsel within non-Department of Defense federal agencies.

Conflicts of Interest

Federal ethics laws, to include 18 U.S.C. §208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

7. Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decision making?

I agree to comply with all conflicts of interest disclosure requirements set forth in the Ethics in Government Act and implementing regulations.

8. Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any decisions regarding that specific matter?

I agree to comply with all recusal requirements under 18 U.S.C. § 208 and implementing regulations.

9. Do you commit, without qualification, if confirmed, to decide matters on the merits, and exclusively in the public interest, without regard to private gain or personal benefit?

Yes.

Exercise of Independent Professional Legal Judgment

President Trump’s February 18, 2025, Executive Order entitled “Ensuring Accountability for All Agencies” states in section 7 that “No employee of the executive branch acting in their official capacity may advance an interpretation of the law as the position of the United States that contravenes the President or the Attorney General’s opinion on a matter of law. . . .”

10. What is your understanding of the rules of professional responsibility that apply to civilian attorneys in the Department of Defense, including those that work within the Office of the Navy General Counsel?

I understand that while employed by the Department of Defense or the Department of the Navy, civilian attorneys remain bound by the respective rules of professional responsibility associated with the state bars to which they belong. I also understand that Department of Defense and Department of the Navy civilian attorneys are subject to professional responsibility requirements established by Department of Defense policy.

11. If confirmed, what rules of professional responsibility would apply to you personally in your practice of law?

I am personally licensed by the State of New York and would comply with New York’s professional responsibility rules, if confirmed, along with Department of Defense professional responsibility requirements.

12. If confirmed, how will you implement section 7 of the above referenced Executive Order and enforce it throughout the Department?

If confirmed, I expect to implement Section 7 of that Executive Order consistent with the

longstanding principles it represents. I understand that the Department of Justice, as headed by the Attorney General and through the Office of Legal Counsel, provides the binding legal opinions across the whole of the Executive Branch. To the extent that there are any questions that I might have regarding existing or novel Executive Branch-wide legal opinions on a particular matter, I would seek appropriate guidance from the Department of Justice in coordination with the General Counsel of the Department of Defense.

13. What is your view of the applicability of section 7 to you personally, if confirmed as the Navy General Counsel?

As an employee of the Executive Branch, if confirmed, I would be bound by Executive Orders issued by the President the same as any other employee.

14. If confirmed, how would you address a situation where your independent professional legal judgment differs from the opinion of the President?

If confirmed, I do not expect differences to arise often between my professional legal judgment and that of the President's, as informed by his legal advisors. Should any differences arise, I would expect to use the appropriate chain of command to raise them with the General Counsel of the Department of Defense, and, as appropriate, to the Department of Justice for appropriate assessment.

Qualifications

15. What background and experience do you possess that qualify you to serve as the General Counsel of the Department of the Navy?

I received my undergraduate degree from Yale University in 2007 and my Juris Doctor degree from Harvard Law School in 2011. I served as a law clerk for Circuit Judge J. Harvie Wilkinson III on the U.S. Court of Appeals for the Fourth Circuit and Associate Justice Anthony M. Kennedy on the Supreme Court of the United States. Following those clerkships, I worked in private practice at a large international law firm, where I participated in a variety of complex matters, including significant commercial litigation and contract disputes, global internal investigations, compliance monitorships, constitutional law appeals, criminal defense, and confidential pre-decisional advice to clients confronting legal challenges. From 2015 to 2024, I served as an Assistant United States Attorney and Senior Trial Counsel at the U.S. Attorney's Office for the Southern District of New York. I spent most of my time as a federal prosecutor handling national security matters, including landmark trials such as those of the largest state-sponsored Iranian sanctions-evasion scheme ever uncovered, a former Central Intelligence Agency officer responsible for the largest theft and unauthorized disclosure of classified information in that agency's history, and the Somali pirates who held a U.S. citizen hostage for more than two years. I also pioneered a number of innovative legal strategies to hold America's adversaries to account, such as developing the legal theory and factual

basis for the first-ever seizure and forfeiture for sanctions evasion of one of North Korea's largest cargo ships, creating a playbook that has since been used in other successful vessel-seizure cases. In addition to the public trial work in which I participated, I also advised and participated in a range of sensitive counterterrorism, counterintelligence, and counternarcotics operations and investigations, finding creative ways to bring legal tools to bear that enabled successful outcomes for American national security beyond just the traditional prosecutorial path.

Across that work, one of the most important lessons I learned was about the importance and effectiveness of close partnerships across the national security community. I was honored to have been recognized on multiple occasions by some of those partner agencies with awards for my work with them, including with the National Intelligence Meritorious Unit Citation (three times), the National Intelligence Professional Award for Counterproliferation, the FINCEN Director's Law Enforcement Award (twice), the DEA Administrator's Award for Group Achievement, and the Federal Law Enforcement Foundation Prosecutor of the Year award (twice).

After leaving the U.S. Attorney's Office, I have worked as a career civilian attorney for the Department of the Navy, serving principally as a legal advisor on the planning, conduct, and oversight of classified sensitive activities. In addition to my civilian service, I am also a Navy Reserve Intelligence Officer, which has given me valuable perspective on the effects that legal and policy determinations made by the Department of the Navy can have in the Fleet.

16. Do you believe that there are any actions you need to take to enhance your ability to perform the duties of the Navy General Counsel?

I believe I have the skills, the experience—both in legal practice generally and in national security matters in particular, the leadership, and the values to be successful as the General Counsel if confirmed. If confirmed, I would make it a priority to quickly gain a deep understanding of the legal issues facing the Department in which I have not previously been involved, drawing on the expertise and institutional knowledge of the Office of General Counsel's career attorneys and the uniformed attorneys working for the Navy Judge Advocate General and the Marine Corps Staff Judge Advocate. I would also seek, if confirmed, to collaborate closely with General Counsel of the Defense Department as well as the general counsels of the other services and other senior leaders across the Department of the Navy and Department of Defense. I am pleased to count many of the nominees for those positions as personal friends, who I am confident will, if I am confirmed, provide mutual opportunities to benefit from each other's knowledge and experience.

Finally, if confirmed, I would hope to spend time with uniformed and civilian leaders in the Navy and Marine Corps outside of the Pentagon—and would ensure the attorneys of the Office of General Counsel do so as well—to understand the challenges they face on the frontlines and to ensure that the legal work of the Office of General Counsel is focused on enabling their critical work to restore the warrior ethos, rebuild and enhance

our military capabilities, and establish deterrence.

Major Challenges and Priorities

17. In your view, what are the most significant legal issues facing the Navy and Marine Corps today?

I believe the most significant legal issues facing the Navy and Marine Corps revolve around ensuring sufficient legal authorities exist to implement the President's and the Secretary of the Navy's priorities to improve warfighting readiness, take care of our service members, and revitalize our maritime industrial base. If confirmed, it will be my priority to leverage the Office of the General Counsel and work with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to provide timely and accurate advice on the authorities that we do have and to actively seek out authorities we may need to better achieve the mission.

18. What do you consider to be the most significant challenges you will face if confirmed as Navy General Counsel?

One of Secretary Phelan's core priorities for the Department of the Navy is to foster an adaptive and accountable culture in the Department. I believe that principle to be the indispensable core of the Department's efforts to transform itself in order to both restore its warfighting readiness and deliver the best quality of service to Sailors, Marines, civilians, and their families. But maintaining that adaptive and accountable culture requires constant vigilance, flexibility, and self-examination to avoid being mired in routine "because we've always done it that way."

If confirmed, I would ensure not only that the Office of the General Counsel delivers exceptional legal support to the leaders in the Department of the Navy that are driving the transformation Secretary Phelan has directed around the world, but also that the Office itself lives up to that culture internally as well, fostering attorneys who themselves are every bit as agile, transparent, and mission-focused as the warfighters they support.

19. If confirmed, what parameters would you establish as to the types of legal and policy issues on which you and your office must be consulted?

If confirmed, as the Chief Legal Officer of the Department of the Navy, I would expect that I would be consulted in some form as appropriate on all legal issues arising in the Department. I would also hope that, if confirmed, the Secretary of the Navy and other leaders across the Department would value the judgment and insight that I and the attorneys of the Office of the General Counsel can provide, and would consult broadly on issues throughout the decision making process. If confirmed, I would ensure that the Office of the General Counsel remains proactively engaged with clients and continues to collaborate with the Judge Advocate General of the Navy and Staff Judge Advocate to the Commandant of the Marine Corps to resolve the legal issues confronting the

Department.

20. If confirmed, what innovative ideas would you consider providing to the Secretary of the Navy to improve the organization and operations of the Office of the Navy General Counsel?

At this time, I have not been fully briefed on the organization and operations of the Office of the General Counsel. If confirmed, I would seek to understand quickly where the Office can most readily be improved. I do believe that across virtually every endeavor, including legal practice, we can and must take advantage of new technologies that make the work of the Department faster, more responsive, more transparent, and more efficient.

21. If confirmed, are there specific matters on which your predecessor General Counsels have issued legal opinions that you would expect to reconsider and possibly revise? If so, which opinions, in which practice areas, do you believe might merit reconsideration?

At this time, I am unaware of any previous legal opinions I expect to revisit. However, if confirmed, I will be open to revisiting prior legal opinions to ensure not only their accuracy, but also their applicability to the Department of the Navy's current initiatives to meet the new challenges of a rapidly evolving global, industrial, and technological landscape.

Relations with Congress

22. What are your views on the state of the Navy General Counsel's relationship with the Senate Armed Services Committee in particular, and with Congress in general?

I am not aware of specific interactions with Congress; however, I understand that the General Counsel of the Navy's relationship with the Senate Armed Services Committee and with Congress to be generally collaborative and positive. If confirmed, I expect to continue that collaborative and positive relationship.

23. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between this Committee and the Office of the Navy General Counsel?

If confirmed, I would maintain a policy of respectful and productive interaction with the Senate Armed Services Committee to the extent that I or my attorneys are involved. If confirmed, I would hope to maintain regular communication with the Committee and its staff to share information as appropriate about our collective priority of improving the Navy and Marine Corps, ensuring our efforts are genuinely collaborative and not merely in parallel.

24. If confirmed, what factors would you consider in determining whether or not to recommend the invocation of executive privilege in regard to a request from the Senate Armed Services Committee for information under the cognizance of the Navy?

I understand executive privilege to be within the purview of the President, working through the Counsel to the President. Thus, to the extent that any questions regarding invoking executive privilege arise related to the Department of the Navy, I would work with the Office of White House Counsel, through the Office of the General Counsel of the Department of Defense.

Relationship with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps

25. How are the responsibilities and authorities for providing legal services, including the responsibility for the provision of ethics advice to senior officials, to the Department of the Navy and the Marine Corps allocated between the General Counsel of the Navy, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps?

I understand the General Counsel of the Department of the Navy is the Chief Legal Officer for the Department and issues the controlling legal opinion on all matters within the Department. However, I understand the General Counsel and the Office of the General Counsel work collaboratively with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps – particularly on matters of shared responsibility as set out in current policy. For example, I understand ethics to be one such shared area of responsibility, although the General Counsel of the Navy is the Designated Agency Ethics Official for the Department. There are discrete areas of practice I understand have been assigned by policy to be primarily civilian attorney responsibilities (e.g., acquisition, fiscal, civilian personnel, real property) or primarily uniformed attorney responsibilities (e.g., military justice, operational and international law, administrative law and legal assistance). Across all subject matter areas, the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps are entitled, by law, to provide independent legal advice to their respective Service Chiefs and, in the case of the Judge Advocate General of the Navy, to the Secretary of the Navy, on matters they determine should be brought to the attention of the Secretary and/or Chief of Naval Operations/Commandant of the Marine Corps.

26. What is your understanding of the unique role and authority of The Judge Advocate General of the Navy vis-a-vis the General Counsel of the Navy?

The Judge Advocate General of the Navy holds a distinct statutory role, reporting directly to the Secretary of the Navy and providing independent legal advice to both the Secretary and the Chief of Naval Operations. This independence is essential to ensuring

commanders receive timely, candid counsel—particularly in areas such as military justice, operational law, and standards of conduct.

While the General Counsel of the Navy serves as the chief legal officer and principal legal advisor to the Secretary, both offices—along with the Staff Judge Advocate to the Commandant of the Marine Corps—play vital and complementary roles in delivering integrated legal support across the Department. If confirmed, I will continue to promote strong coordination, mutual respect, and open communication between the General Counsel and the Judge Advocate General to ensure the Department of the Navy benefits from both independent military legal advice and unified legal leadership.

27. What is your understanding of the relationship between the General Counsel of the Navy and the Counsel to the Commandant of the Marine Corps? Do you believe this relationship is appropriate, or does it require review?

The Office of Counsel for the Commandant of the Marine Corps is part of the Department of the Navy Office of the General Counsel and reports directly to the General Counsel of the Navy. The Counsel for the Commandant is responsible for advising the Marine Corps in the practice areas defined by policy, to include acquisition law, business and commercial law, environmental law, civilian personnel and labor law, fiscal law, environmental law, and intellectual property. I understand the current reporting structure is operating seamlessly. However, if confirmed, I will review the relationship and fully consider any proposals to improve it.

28. What is your understanding of the allocation of responsibilities and authorities for providing legal services to the Commandant of the Marine Corps between the Staff Judge Advocate to the Commandant of the Marine Corps and the Counsel to the Commandant? Do you believe this relationship is appropriate, or does it require review?

As I understand it, the Office of Counsel for the Commandant maintains a highly collaborative relationship with the Staff Judge Advocate to the Commandant. The Staff Judge Advocate advises the Commandant on military justice, operational law, legal assistance and administrative law as delineated in policy. Both offices jointly advise on shared practice areas including ethics and standards of conduct, intelligence and cyber, Freedom of Information Act, Privacy Act, and other topics assigned by the Commandant. If confirmed, I will encourage the Counsel and Staff Judge Advocate to continue to work closely together on all matters of common interest, to ensure the delivery of candid, accurate, timely legal advice.

29. In your view, what is the purpose underpinning the assignment of a senior civilian attorney as Counsel to the Commandant of the Marine Corps?

The assignment of a senior civilian attorney as Counsel for the Commandant of the Marine Corps serves several important purposes. The Counsel provides specialized

knowledge in the federal civilian law areas that may fall outside traditional military legal training, to include acquisition law, fiscal law, and civilian personnel law. The Counsel also provides expertise on how Marine Corps official positions may be received by civilian oversight bodies and stakeholders.

Having a senior civilian attorney recognizes that the Marine Corps operates both under the civilian control of the Department of the Navy and through the military command hierarchy. The Counsel for the Commandant of the Marine Corps reports directly to the General Counsel of the Navy and is therefore outside of the Commandant's direct chain of command. This allows the Counsel to provide candid, independent legal advice, without reticence or fear of repercussion, regardless of the difficulty or sensitivity of the legal matters on which they advise.

30. What is your understanding of the role and authority of the Judge Advocate General of the Navy vis-à-vis the Special Counsel to the Chief of Naval Operations?

The Judge Advocate General of the Navy serves as the Special Assistant for Legal Services to the Chief of Naval Operations, with the responsibility to advise and assist the Chief of Naval Operations in shaping and implementing policies governing the delivery of legal services across the Navy. In this capacity, the Judge Advocate General of the Navy plays a critical leadership role in aligning legal support with the Navy's operational priorities and strategic objectives. The Special Counsel to the Chief of Naval Operations is a senior Navy judge advocate, typically a Captain, assigned to the Chief of Naval Operations' personal staff. The Special Counsel provides legal advice to the Chief of Naval Operations on a broad range of matters and plays an important role in supporting their immediate legal needs.

31. If confirmed, how would you work with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps in carrying out your duties?

If confirmed, I expect to continue what I understand to be a positive, collaborative working relationship with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps. In my career, I have been fortunate to work with many uniformed attorneys in varied capacities across the Navy, and I have great respect for the specialized knowledge, field experience, and unique role that the uniformed attorneys bring to Department of the Navy legal affairs. I intend to foster that role to the best of my ability, if confirmed.

32. What is your view of the responsibility of Navy and Marine Corps judge advocates to provide independent legal advice to military commanders and other Military Service officials and employees?

It is critical that Navy and Marine Corps judge advocates provide legal advice to commanders and other military officials and civilian employees that is candid, objective, and independent of improper influence. This responsibility is not only foundational to

the rule of law in military operations but is also codified in the Uniform Code of Military Justice.

Uniformed judge advocates bring a distinct and invaluable perspective—shaped by their training, leadership roles, and operational experience—that directly enhances the quality and relevance of legal advice provided to commanders. This perspective must be respected, never sidelined. Their counsel helps ensure that military decisions are both legally sound and operationally effective.

If confirmed, I will uphold and reinforce this principle as essential to maintaining the trust of commanders, the integrity of the legal process, and the readiness of the force.

33. If confirmed, would you propose any changes in the current relationships between the Navy General Counsel and the Judge Advocate General of the Navy and between the Navy General Counsel, including through the Counsel to the Commandant, and the Staff Judge Advocate to the Commandant of the Marine Corps?

I understand the strong relationship between the uniformed judge advocates and the Department of the Navy Office of the General Counsel to be collaborative and effective. If confirmed, I look forward personally to building a strong, productive relationship with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant, and will consider whether there are any ways we can collectively improve the nature and structure of that relationship to ensure that the Department of the Navy receives the most effective legal advice possible.

34. If confirmed, would you propose any changes to the current relationships and/or allocation of responsibilities between uniformed Military Service judge advocates and attorneys of the Office of the Navy General Counsel?

If confirmed, and in consultation with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps, I am open to revisiting current lines of responsibility to consider realigning practice areas and structure where such efforts make sense.

35. Are the legal opinions of the Navy's Office of the General Counsel binding on all Navy and Marine Corps attorneys?

Yes, as the chief legal officer of the Department of the Navy, I understand the opinions of the General Counsel of the Navy are binding on all Navy and Marine Corps attorneys. That said, I understand that the General Counsel often collaborates with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps on legal opinions. If confirmed, I will work to ensure that my legal

opinions are informed by the expertise of both the civilian and uniformed members of the Navy legal community as appropriate.

Support to the Navy Inspector General

36. What is the relationship between the Navy General Counsel and the Navy Inspector General?

I understand the Naval Inspector General is a statutorily required official within the Office of the Secretary of the Navy, and, therefore, one of the many individuals to whom I would provide legal advice and services, if confirmed to be the General Counsel. In doing so, I would remain respectful of the independence of the Naval Inspector General and establish and maintain a candid and productive working relationship.

37. In your view, what role, if any, should the Navy General Counsel have in reviewing and rendering opinions on the legal sufficiency of the investigations and recommendations of the Navy Inspector General?

It is my understanding that the Office of the General Counsel, in conjunction with the Office of the Judge Advocate General of the Navy, provides legal sufficiency reviews and recommendations for Naval Inspector General investigations, and I am not aware of any reason to alter that support. Unlike the Inspector General for the Department of Defense, who maintains statutory independence and his own independent Office of Counsel, I understand the Naval Inspector General to be a Title 10 staff assistant to the Secretary of the Navy. Thus, I believe that the General Counsel and the Office of the General Counsel (along with Judge Advocate General of the Navy) remain the appropriate source for legal support for Naval Inspector General investigations and other functions. That being said, I fully appreciate a culture of, and the value in, maintaining a degree of independence by the Naval Inspector General in terms of the conclusions and assessments that he and his staff make as long as consistent with the law.

General and Flag Officer Nominations

Existing law and policy provide that adverse and reportable information pertaining to an officer must be evaluated by senior leaders in the Military Departments and in the Office of the Secretary of Defense prior to the nomination of such an officer for promotion to a general or flag officer grade, or for appointment to a position of “importance and responsibility.”

38. In your view, what is the role of the Navy General Counsel in the officer promotion system generally, and more specifically in reviewing the nomination of officers for promotion to general and flag officer grades and positions?

I understand the General Counsel provides advice on cases with adverse or potentially

adverse information, to ensure the information is properly evaluated and promptly reported to the Office of the Secretary of Defense and the Senate Armed Services Committee.

39. In your view, are the current policies and procedures governing review of the records of officers whose selection for promotion or assignment requires Presidential or Secretary of Defense approval or Senate confirmation, sufficient to enable informed decisions by the Secretary of the Navy, the Secretary of Defense, the President, and the Senate? Please explain your answer.

I understand policies and procedures governing review of officer records for promotion and assignment are largely based on law, with significant changes mandated recently with the passage of both the 2020 and 2021 National Defense Authorization Acts. I believe the procedures in place provide sufficient information for officials to engage in informed decision making. If confirmed, I would seek to determine whether the process nonetheless could be more efficient, while maintaining high standards for accuracy, thoroughness, and fairness to the individual officer.

40. In your view, are these policies and procedures fair to the individual officers proceeding through the promotion or assignment processes?

It is my understanding promotion and assignment policies and procedures balance the requirements for legal compliance and procedural efficiency with consideration of the equities of the individual officer, particularly in cases involving adverse and allegedly adverse information. If confirmed, I will review these processes to verify they are fair and merit-based and will be vigilant in identifying opportunities for improvement.

Civilian Attorney Recruiting and Retention

41. In your view, does the Office of the General Counsel of the Navy have a sufficient number of attorneys to perform its many missions? Please explain your answer.

I have not been fully briefed on the manning levels in the Office of the General Counsel, but I know the professionals within the Office of the General Counsel to be fully dedicated to mission regardless of numbers. If confirmed, I would immediately seek a better understanding of manning as it affects mission and assess whether more or fewer attorneys are necessary. I also understand some of the President's directives regarding workforce reshaping and agency review may also affect how Office of the General Counsel resourcing might need to be assessed.

42. Do you believe that the Navy legal community needs additional incentives and talent management tools to recruit, develop, and retain a highly talented and competitive career civilian attorney workforce? If so, what sort of incentives and tools do you perceive would be helpful?

I understand the Office of General Counsel attorneys to be dedicated civil servants who appreciate the opportunity to serve their country through their legal practices. At this time, I am not aware of the full breadth of incentives and talent management tools existing or necessary to maintain or enhance the civilian attorney workforce. However, if confirmed, I would seek to understand the current atmosphere within the Office of General Counsel with regard to talent management and retention and seek any appropriate opportunities to add to or enhance what may already exist.

43. In your judgment, what is the biggest challenge facing the Navy in effectively and efficiently managing its civilian workforce?

I believe the Department of the Navy's greatest challenge is to build and sustain a civilian workforce dedicated to warfighter readiness and lethality, capitalizing upon technological innovation and other organizational efficiencies. Adherence to these principles will enable the Department to establish itself as an employer of choice, attracting and retaining the best talent as a global competitive edge against our adversaries.

Risk Aversion

Many attempts at management reform in the Department of Defense, to include personnel reform and acquisition reform, involve allowing senior and local leadership to make maximum use of authorized flexibilities and exceptions to standard practices. It is generally believed that DOD's so-called "risk averse culture" stifles initiative and traps the Department in a set of antiquated and burdensome practices. At times, this culture of risk aversion has been attributed to the legal advice rendered by DOD and component attorneys.

44. In your view, what role should the assessment of "risk" play in an attorney's provision of legal advice?

In my view, the Department of the Navy faces a critical need to foster the adaptive and accountable culture Secretary Phelan has called for. Excessive caution in the face of risk must not become an obstacle to progress. In my opinion, attorneys are obligated to provide candid, complete, and accurate advice to clients, including on legal risk associated with courses of action.

If confirmed as the General Counsel, I will ensure attorneys understand that advising on risk entails making sure clients are fully informed not only of their legal obligations, but also the full range of their legal options. My further expectation, if confirmed, will be that attorneys proactively seek ways to mitigate identified legal risks or to find alternative ways to achieve their clients' objectives that do not present those risks. That is not to say attorneys should decide the appropriate risk to be accepted by the clients, particularly those appointed by our duly elected officials. Attorneys are advisors; clients make

decisions.

Ethics and Professional Responsibility

45. What is the general prevalence in the Navy, and in its civilian workforce, of violations of criminal laws and executive branch and DOD ethics regulations relating to conflicts of interest?

I believe preventing conflicts of interest is critical to maintaining the public's trust and confidence in the Department's operations. Based on the most recent annual data reported on the Office of Government Ethics website, I understand there were only four referrals to the Department of Justice for conflict-of-interest violations in a Department of over 320,000 full-time personnel during calendar 2024. That represents less than .002% of Navy personnel. As the Department of the Navy Designated Agency Ethics Official, I am committed, if confirmed, to carrying out an effective ethics program to continue preventing and resolving conflicts of interest and the appearance of conflicts of interest.

46. What is the role of the General Counsel of the Department of the Navy in ensuring that attorneys under his supervision adhere to Rules of Professional Conduct? If confirmed, how would you approach this critical supervisory duty with regard to the Office of the Navy General Counsel?

All attorneys have a personal responsibility to the Rules of Professional Conduct to which they are bound by their licensing authorities. It is my understanding the Office of the General Counsel, as directed by the Department of Defense Office of General Counsel, also assesses any claims of violations of the applicable Rules of Professional Conduct for potential referral to the respective licensing authority. If confirmed, I would have high expectations of my attorneys that they adhere strictly to their professional responsibility duties and ensure the Office of the General Counsel's responsibilities are implemented fairly and competently.

47. Are the laws and regulations relating to the post-government employment of DOD personnel—military and civilian—adequate, coherent, and comprehensible, in your view?

There is a longstanding framework of Executive Branch-wide ethics statutes and regulations that balance the interests of the public in preventing conflicts of interest with the employment rights of individual employees and the Government's interest in recruiting talent. I understand that a 2021 Government Accountability Office audit report concluded that DoD has strong post-government employment training, guidance, and practices for implementing these laws and made no findings of violations. Additionally, I understand that a Congressionally mandated Federally Funded Research & Development Center study finalized in 2024 concluded the proliferation of ethics provisions that address the same or similar issues risks confusion that could undermine compliance and enforcement. The study further found there was not a strong reason to treat DoD officials

more stringently than officials in other agencies. If confirmed, I would support clear, consistent, and balanced ethics laws, which are essential to maintaining the public's trust.

48. If confirmed, what actions would you take were it brought to your attention that a certain appointment or designation was potentially in violation of the Federal Vacancies Reform Act and associated case law?

With my initial obligation to the Secretary of the Navy, if confirmed I would ensure I fully understand the situation to determine whether the specific circumstances warrant concern about any "potential" violation. For any instance where I believe an actual violation may have occurred, if confirmed, I would expect to coordinate closely with the Department of Defense Office of General Counsel to work with and through the Government Accountability Office's Comptroller General as the primary gatekeeper of Vacancies Reform Act issues government-wide.

49. If confirmed, what actions would you take if it were brought to your attention that a potential nominee, military or civilian, does not meet statutory prerequisites for the position for which the individual would be nominated?

If I am confirmed and it were brought to my attention that a potential nominee, military or civilian, does not meet statutory prerequisites for the position for which the individual would be nominated, I would expect to take steps to ensure I fully understand the situation and assess whether the specific circumstances warrant consideration of any potential statutory issue. The Constitution vests the President with the power to nominate Officers of the United States, and I understand that he executes that power with support from components in the Executive Office of the President and the Department of Defense; thus, I would anticipate raising any issues with nominees through those appropriate chains of command for their resolution, after advising the Secretary of the Navy to the best of my ability.

50. If confirmed, what actions would you take were it brought to your attention that an individual pending nomination or confirmation by the Senate, to a Presidentially appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation?

If I am confirmed and it were brought to my attention that an individual pending nomination or confirmation by the Senate, to a Presidentially-appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would obtain the facts pertaining to the specific circumstances and provide my best legal advice to the Secretary of the Navy regarding the situation. The Constitution vests the President with the power to nominate Officers of the United States, and I understand that he executes that power with support from components in the Executive Office of the President and the Department of Defense; thus, I would anticipate raising any issues with nominees through those appropriate chains of command for their resolution, after advising the

Secretary of the Navy to the best of my ability.

Acquisition

51. What is your understanding of the role of the Navy General Counsel in ensuring that the Navy's acquisition programs are executed in accordance with applicable law and policy?

As the chief legal officer for the Department of the Navy, the General Counsel's role is to advise the Department's acquisition community and clients on the statutory and regulatory requirements as they relate to the execution of the Department's acquisition programs. If confirmed, I would work with Navy's team of highly qualified acquisition attorneys to ensure the Department conducts procurements fairly and openly as good stewards of the American taxpayers' dollars. Moreover, I would provide clear legal guidance on what the Department's acquisition programs need to do to comply with all statutory limitations and requirements while also advising of statutory flexibilities to ensure acquisition programs are operated consistent with the law while taking advantage of all expedencies to deliver critical capabilities and services to the warfighter.

52. What are your views on the overall effects on the Navy of defense acquisition reform to date?

I understand over the past several years the Department has taken steps to implement the Adaptive Acquisition Framework, which provides multiple pathway options to align with the different types of acquisitions. These steps have increased the flexibility available to acquisition programs. However, there continues to be a need for further improvement. If confirmed, I look forward to working with Department of the Navy leadership and the acquisition attorneys to continue the Department of the Navy's efforts to meet the urgent needs of Sailors and Marines while still ensuring appropriate oversight and accountability.

53. If confirmed, how would you ensure that Navy acquisition officials understand and leverage the flexibilities provided by Congress in the context of acquisition reform?

The role of the Department of the Navy (DON) General Counsel is to apply the laws passed by Congress, including acquisition flexibilities. If confirmed, I would consider two primary functions of my job to be ensuring broad understanding of statutory authorities—including ones currently underused—and tracking the enactment of new acquisition authorities, working with the DON acquisition attorneys to ensure the Department's acquisition workforce is aware of those flexibilities. I would encourage the use of any and all such flexibilities available wherever and whenever appropriate.

54. If confirmed, how would you deal with contractors that improperly mark technical data, do not deliver technical data under the terms of the contract, or

otherwise enforce technical data rights and ordering to ensure the Navy is able to maintain competition and its core logistics capabilities?

It is my understanding the Department of the Navy's acquisition workforce monitors contract performance to ensure all technical data contract requirements have been satisfied and delivered with the appropriate markings. Additionally, the Department is working with industry to include data rights clauses and deliverables in its contracts to enable the Navy to repair equipment and not be reliant upon contractors for technical assistance and repair, which Secretary Phelan has identified as a core need.

If confirmed, I will ensure the Office of the General Counsel is supporting the Department's efforts to structure contracts to ensure the Department gets sufficient technical data to support core logistics capabilities. In the event contractors fail to meet the contract requirements, the matter becomes an issue of contract enforcement. Department attorneys must anticipate that possibility and ensure during drafting that contracts include provisions to hold accountable providers that do not meet our warfighters' needs.

A lawyer's role in contract enforcement would then be to provide well-grounded advice to the client community to use all enforcement mechanisms available under the terms of the contract and to effectively advocate for the Department's rights in the event if the disagreement moves to litigation.

Sexual Assault and Sexual Harassment Prevention and Response

55. What is your understanding of the role of the Navy General Counsel in addressing sexual assault and sexual harassment within the Navy?

I understand the General Counsel of the Navy to be responsible for advising the Secretary of the Navy and his staff on measures, policies, and practices necessary to prevent and deter sexual assault and sexual harassment within the Department of the Navy. I also understand that the General Counsel of the Navy and the Office of the General Counsel are generally responsible for advising the Naval Inspector General to the extent that he or his office investigates allegations of sexual harassment or assault within the Department. I also understand that the General Counsel of the Navy has no direct role in, or authority over, the Special Trial Counsels of the Navy and Marine Corps who represent the Department in litigation involving sexual assault and sexual harassment involving military members.

56. What is your assessment of the efficacy of the Department of Defense's sexual assault prevention and response program?

I do not have sufficient information to assess the efficacy of the Department of the Navy's sexual assault prevention and response program, at this time. That said, I believe an effective sexual assault prevention and response program aligns with what I understand to be the Department of Defense-wide commitment to building great people,

leaders, and teams, and not tolerating, condoning, or ignoring sexual assault.

No one should have to fear sexual assault or sexual harassment as part of their service to this country. If confirmed, I will do my part to ensure that the Department fully staffs a skilled integrated primary prevention workforce to prevent harmful behaviors and support a healthy command climate and a sexual assault response workforce to provide high-quality victim assistance to facilitate warfighter recovery and resilience. To the extent legal authorities are necessary to improve those services, I and my staff would be available to assist with those efforts, if confirmed. I will also work closely with the Department of the Navy's Sexual Assault Prevention and Response Program leaders, Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to evaluate the existing data elements on the effectiveness and efficiency of sexual assault and prevention programs and look at how they can be improved.

Whistleblower Protection

Section 1034 of title 10, U.S. Code, prohibits taking or threatening to take an unfavorable personnel action against a member of the armed forces in retaliation for making a protected communication. Section 2302 of title 5, U.S. Code, provides similar protections to Federal civilian employees.

57. If confirmed, what role would you establish for yourself in, and what specific actions would you take, ensuring that service members and civilian employees of the Department of the Navy who report fraud, waste, and abuse, or gross mismanagement are protected from reprisal?

I believe whistleblowers, and the protections afforded them, are important to improving the effectiveness and efficiency of the Department on behalf of the taxpayers. Thus, if confirmed, I expect to provide timely and candid advice regarding the legal protections and processes in place to protect bona fide whistleblowers who report fraud, waste, abuse or gross mismanagement.

Litigation Involving the Department of the Navy

58. What is your understanding of the relationship between the Department of the Navy and the Department of Justice with respect to litigation involving the Navy?

The Department of Justice has statutory responsibility to represent the United States, its agencies, and its officers, including the Department of Defense, in all litigation matters before federal courts. Department of the Navy attorneys assist counsel at the Department of Justice in cases in which the Department of the Navy is a party or has an interest in those forums. If confirmed, I will strive to continue the Department of the Navy's well-established productive working relationship with the Department of Justice and advocate in the Department of the Navy's interest.

59. In your view, should the Department of the Navy have the independence and resources to conduct its own litigation?

It is my understanding the Department of the Navy Office of the General Counsel has a good working relationship with the Department of Justice. If confirmed, I will review this issue.

The DOD and Navy Civilian Workforce

DOD is the federal government's largest employer of civilian personnel. The vast majority of DOD and Navy civilian personnel policies comport with requirements set forth in title 5 of the U.S. Code, and corresponding regulations under the purview of the Office of Personnel Management. Over the years, Congress has provided numerous extraordinary hiring and management authorities applicable to specific segments of the DOD and Navy civilian workforces.

60. In your judgment, what is the biggest challenge facing the Navy in effectively and efficiently managing its civilian workforce?

I believe the Department of the Navy's greatest challenge is to build and sustain a civilian workforce dedicated to warfighter readiness and lethality, capitalizing upon technological innovation and other organizational efficiencies. Adherence to these principles will enable the Department of the Navy to establish itself as an employer of choice, attracting and retaining the best talent as a global competitive edge against our adversaries.

61. In your view, do Navy and Marine Corps supervisors have adequate authorities and access to the expert human resources and legal support required to address and remediate employee misconduct and poor duty performance?

I understand there are a wide range of authorities to take various informal and formal corrective actions, such as suspensions and removals. If confirmed, subject to direction from the Secretary of the Navy and in coordination with the General Counsel of the Department of Defense, I would explore ways to streamline the disciplinary process so the civilian workforce can focus on its primary mission of support for warfighter readiness and lethality. I understand there is a robust community of human resources specialists and attorneys well-versed in civilian personnel law. If confirmed, I will take any additional steps necessary to provide legal support to our clients in that area of practice.

62. Are Navy and Marine Corps attorneys adequately trained to advise and assist civilian and military supervisors in the appropriate exercise of such authorities? If

not, what additional authorities or training do Navy and Marine Corps attorneys require?

I understand that Office of the General Counsel attorneys are well-versed in the available authorities and provide excellent advice to decision makers regarding those authorities. I am not aware of any additional authorities the Department's attorneys need to enhance their ability to provide competent and timely legal advice, and I believe attorneys have a variety of training opportunities to facilitate their professional development. However, if confirmed, I will fully assess attorney training within the Office of the General Counsel and seek opportunities to improve training, if necessary and appropriate.

United Nations Convention on the Law of the Sea

Military and civilian leaders in the Department of Defense have advocated for accession to the United Nations Convention on the Law of the Sea, stressing the benefits to U.S. national security.

63. From a legal standpoint, what are the advantages and disadvantages to being a party to the Convention?

I understand that the Convention reflects customary international law related to the freedoms of navigation and overflight on which the U.S. Navy already relies. If confirmed, I will carefully review the Convention's provisions and potential impacts to the U.S. Navy's operations, including potential advantages and disadvantages.

64. In your view, what impact, if any, would U.S. accession to the Law of the Sea Convention have on ongoing and emerging maritime disputes, such as in the South China Sea and in the Arctic?

I understand the United States challenges excessive maritime claims based on customary international law applicable to all states. If confirmed, in consultation with the Secretary of the Navy, I will closely examine how accession to the Convention might affect our approach to emerging and ongoing maritime disputes around the world.

65. What do you view as the role of the General Counsel of the Department of the Navy in providing advice regarding the law of the sea and accession to the Convention?

I understand that the Department of Defense Office of General Counsel has the primary responsibility for addressing this issue. If confirmed, I would work closely with the Secretary of the Navy as well as the General Counsel of the Department of Defense, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps to advocate for those law-of-the-sea matters determined to be in the best interest of the Department of the Navy.

Military Housing Privatization Initiative (MHPI)

66. If confirmed as Navy General Counsel, what would be your role in establishing accountability inside the Navy and Marine Corps for sustaining the high-quality housing that Sailors, Marines, and their families deserve?

Our Sailors, Marines, and their families deserve safe, quality, well-maintained housing, and that those responsible for providing it must be held to task. I am aware the Department of the Navy has entered into agreements to privatize much of its family housing and some of its unaccompanied housing. As with all agreements, accountability is only as strong as the agreements themselves. I have not been briefed on the details of these agreements, but, if confirmed, I will work quickly to understand where accountability lies, what tools are available to enforce it, and where it can be improved. I will then also work closely with the Secretary of the Navy to provide active and engaged counsel to explore all legal options to promote accountability for the Department's privatized housing where necessary and appropriate.

67. If confirmed, specifically what would you do to improve business operation constructs and vest accountability in MHPI "contractors" for strict compliance with the terms of their public-private partnership agreements with the Navy?

I understand the Department of the Navy remains committed to continuous improvement of its Military Housing Privatization Initiative program through maintaining resident trust, reinforcing departmental oversight, and exercising active leadership to protect the Department's investment and assets included in the privatization program. If confirmed, I will work proactively to identify legal avenues to improve compliance with public-private partnership agreements.

Congressional Oversight

In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

68. Do you agree, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress?

Yes.

69. Do you agree, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner?

Yes.

70. Do you agree, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you?

Yes.

71. Do you agree, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided?

Yes.

72. Do you agree, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request?

Yes.

73. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee?

Yes.

74. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress?

Yes.