

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

John Charles Demers

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

Assistant Attorney General, National Security Division, U.S. 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.

929 Long Bridge Dr.
Arlington, VA 22202

Current residence:
Alexandria, VA

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

1971 – Gubbio, Italy

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, J.D., May 1999, *magna cum laude* (attended August 1996 – May 1999)

College of the Holy Cross, B.A., May 1993, *magna cum laude* (attended August 1989 – May 1993)

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.

2009 – Present

The Boeing Company
929 Long Bridge Dr.
Arlington, VA 22202

Vice President & Assistant General Counsel, Regulatory & Government Law, May 2016
– present

Vice President, International Government Affairs, March 2016 – June 2017

Vice President & Assistant General Counsel, Global Law Affairs, April 2011 – May
2016

Chief Counsel, Network & Space Systems, March 2009 – April 2011

2010 – Present

Georgetown University Law Center
600 New Jersey Ave., NW
Washington, DC 20001
Adjunct Professor

2003 – 2009

U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Deputy Assistant Attorney General, Office of Law & Policy, National Security Division,
September 2007 – January 2009

Senior Counsel to the Assistant Attorney General, National Security Division, September
2006 – September 2007

Counsel to the Deputy Attorney General (on detail), January 2007 – June 2007

Attorney Advisor, Office of Legal Counsel, June 2003 – June 2005

July 2005 – August 2006

Associate Justice Antonin Scalia
U.S. Supreme Court
One First St., NE
Washington, DC 20543
Law Clerk

1999 – 2003

Ropes & Gray
800 Boylston St.
Boston, MA 02199

Associate (October 2000 – May 2003)

Summer Associate (May 1999 – June 1999)

June 1998 – August 1998

Simpson, Thacher, & Bartlett
425 Lexington Ave.
New York, NY 10017

Summer Associate
August 1999 – August 2000
Judge Diarmuid O'Scannlain
U.S. Court of Appeals for the Ninth Circuit
The Pioneer Courthouse
700 SW 6th Ave.
Portland, OR 97204
Law Clerk

June 1997 – August 1997
U.S. Attorney's Office, District of Massachusetts
One Courthouse Way
Boston, MA 02210
Law Clerk

August 1994 – August 1996
The National Center on Addiction & Substance Abuse at Columbia University
633 3rd Ave.
New York, NY 10017
Research Assistant to the President

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.

None. Yes, I am 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.

Attorney General Award for Excellence in National Security (2008)

Intelligence Community Legal Award (2008)

Assistant Attorney General (National Security Division) Award for Special Initiative (2008)

Thomas J. Watson Fellowship, Italy (August 1993 – May 1994)

Phi Beta Kappa (1993)

Alpha Sigma Nu (1993)

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 (former member; however, I do not recall the dates of my membership)

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.

Commonwealth of Massachusetts, Admitted March 24, 2000

State of New York, Admitted May 22, 2002

Commonwealth of Virginia, Admitted August 6, 2009 (as corporate counsel)

There have been no lapses in membership.

- 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.

Supreme Court of the United States, Admitted June 6, 2006

There have been no lapses in membership.

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.

None.

- 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.

None.

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.

Charles Nesson & John Demers, *Gatekeeping: An Enhanced Foundational Approach to Determining the Admissibility of Scientific Evidence*, 49 HASTINGS L.J. 335 (1998). Copy supplied.

Herbert Kleber, Joseph A. Califano, Jr. & John Demers, THE CLINICAL AND SOCIETAL IMPLICATIONS OF DRUG LEGALIZATION, IN SUBSTANCE ABUSE: A COMPREHENSIVE TEXTBOOK 855 (Joyce Lowinson et al. eds., 3d ed. 1997). Copy supplied.

Hila Richardson, Joseph A. Califano, Jr., Donna Tapper & John Demers, *Substance Abuse and Public Health in Urban America: Analysis of Costs in New York City*, 2 CURRENT ISSUES IN PUBLIC HEALTH 91 (1996). Copy supplied.

- 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.

I have made a good faith effort to identify all published material that has been asked for in this question, including a thorough review of my personal files. I have not identified any documents responsive to this question.

- 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 made a good faith effort to identify all material that has been asked for in this question, including a thorough review of my personal files.

Testimony on behalf of the U.S. Department of Justice before the Committee on Foreign Relations, United States Senate, May 7, 2008, concerning the Nuclear Terrorism Convention and an amendment to the Convention on the Physical Protection of Nuclear Material. Copy supplied.

- 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 have made a good faith effort to identify all material that has been asked for in this question, including a thorough review of my personal files.

March 25, 2017: Panel Discussion on "National Security," Harvard Law School Federalist Society Alumni Symposium, 103 Pound Hall, 1563 Massachusetts Ave., Cambridge, MA 02138. Copy not available.

I discussed the progress made in the area of national security investigations since September 11, 2001, as well as the current challenges in national security.

May 20, 2016: Panel Discussion on "Legal Regulations of Groups of Companies and Holding Structures," St. Petersburg Legal Forum, The Fontanka Embankment 50, lit.E, St. Petersburg, Russia 191002. Copy not available.

I discussed the use of holding company models to integrate various parts of a business enterprise in a given jurisdiction.

June 26, 2012: Panel Discussion on "Reconsidering Adequate Standards for Global Compliance: Advancing your Compliance Programme to Fit Evolving Multiple Anti-corruption Regimes," C5's 6th Annual European Forum on Anti-corruption, London, England. Copy not available.

I discussed Boeing's anticorruption compliance program and the way in which it was tailored to ensure compliance with the laws of a variety of jurisdictions.

May 10, 2012: Remarks on "Portrait Presentation: Honorable Diarmuid F. O'Scannlain," The Pioneer Courthouse, Portland, OR. Copy supplied.

November 10, 2011: Panel Discussion on "Benchmarking Compliance Systems: Defense & Aerospace," ACI, 26th National Conference on the Foreign Corrupt Practices Act, 45 West 25th St., 11 Fl., New York, NY 10010. Copy not available.

I discussed Boeing's anticorruption compliance program, with an emphasis on the use and vetting of international sales agents.

March 4, 2011: Panel Discussion on "Cybersecurity Issues: Developments in the Federal Government and Data Protection Challenges in the Private Sector," ABA Homeland Security Law Institute, 1050 Connecticut Ave. NW, Suite 400, Washington, DC 20036. Copy not available.

I discussed how Boeing works with the U.S. Government to protect our networks and the legal framework under which that is done. I also discussed the legal

issues, including liability issues, regarding the commercial sale of cyber security products.

July 16, 2010: Panel Discussion on “Intelligence, Accountability and the Law,” International Institute for Strategic Studies, Colloquium on Secret Intelligence in the Information Age: Expectations and Realities, Arundel House, 6 Temple Place, London WC2R 2PG. Copy not available.

I discussed the issue of accountability—to the consumers of intelligence information and to the law— using as an example the 2008 amendments to the Foreign Intelligence Surveillance Act.

- 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.

WTO upholds ruling against Washington tax reduction for Boeing, THE SEATTLE TIMES, June 9, 2017. Copy supplied.

Boeing complaint to US: Bombardier unfairly subsidized, THE EVERETT (WA) HERALD, June 9, 2017. Copy supplied.

Building a Legal Department without Geographic Boundaries, THE CHICAGO LAWYER, May 1, 2012. Copy Supplied.

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.

I have been appointed to the following public offices:

June 2003 – June 2005: Attorney Advisor, Office of Legal Counsel; appointed by Jay Bybee, Assistant Attorney General, Office of Legal Counsel.

September 2006 – September 2007: Senior Counsel to the Assistant Attorney General, National Security Division; appointed by Attorney General Alberto Gonzales.

January 2007 – June 2007: Counsel to the Deputy Attorney General (on detail); appointed by Paul McNulty, Deputy Attorney General.

September 2007 – January 2009: Deputy Assistant Attorney General, Office of

Law & Policy, National Security Division; appointed by Attorney General Alberto Gonzales.

- 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.

None.

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;

Associate Justice Antonin Scalia, U.S. Supreme Court (July 2005 – August 2006)

Judge Diarmuid O’Scannlain, U.S. Court of Appeals for the Ninth Circuit (August 1999 – August 2000)

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. 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.

June 1997 – August 1997
U.S. Attorney’s Office, District of Massachusetts
One Courthouse Way
Boston, MA 02210
Law Clerk

June 1998 – August 1998
Simpson, Thacher, & Bartlett
425 Lexington Ave.
New York, NY 10017
Summer Associate

August 1999 – August 2000

Judge Diarmuid O'Scannlain
U.S. Court of Appeals for the Ninth Circuit
The Pioneer Courthouse
700 SW 6th Ave.
Portland, OR 97204
Law Clerk

1999 – 2003
Ropes & Gray
800 Boylston St.
Boston, MA 02199
Summer Associate, May 1999 – June 1999
Associate, October 2000 – May 2003

July 2005 – August 2006
Associate Justice Antonin Scalia
U.S. Supreme Court
One First St., NE
Washington, DC 20543
Law Clerk

2003 – 2009
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Attorney Advisor, Office of Legal Counsel, June 2003 – June 2005
Senior Counsel to the Assistant Attorney General, National Security
Division, September 2006 – September 2007
Counsel to the Deputy Attorney General (on detail), January 2007 – June
2007
Deputy Assistant Attorney General, Office of Law & Policy, National
Security Division, September 2007 – January 2009

2009 – Present
The Boeing Company
929 Long Bridge Dr.
Arlington, VA 22202
Chief Counsel, Network & Space Systems, March 2009 - April 2011
Vice President & Assistant General Counsel, Global Law Affairs, April
2011 – May 2016
Vice President, International Government Affairs, March 2016 – June
2017
Vice President & Assistant General Counsel, Regulatory & Government
Law, May 2016 – present

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

I began my legal practice as a law clerk for Judge O'Scannlain on the U.S. Court of Appeals for the Ninth Circuit. The court handled a broad spectrum of civil and criminal cases. I drafted bench memoranda for the judge, reviewed cases to suggest calling en banc, conducted legal research, and drafted opinions.

Following my first clerkship, I began my legal practice in the fall of 2000 as an associate in a large Boston firm doing litigation. At that time, I worked on a number of matters, many involving commercial insurance coverage disputes for Lloyd's, London.

I then chose to work for the U.S. Department of Justice. I was offered a position with the Office of Legal Counsel and began there in the summer of 2003. I worked there until the summer of 2005. While at the Office Legal Counsel, I worked on a number of matters, including reviewing Executive Orders for form and legality and emergency preparedness.

I then went to clerk for Associate Justice Scalia on the U.S. Supreme Court. During my time there, the Court dealt with a variety of civil and criminal cases. My work consisted of drafting bench memoranda, reviewing petitions for certiorari to recommend whether the Court should hear the case, conducting legal research, and drafting opinions.

Following my clerkship with Justice Scalia, I decided to continue in federal government service and accepted a position at the newly formed National Security Division of the U.S. Department of Justice in 2006. There, I worked on a variety of national security legal and policy issues, including questions involving cybersecurity, national security letters, guidelines for investigations, and the national security provisions of the U.S. Code. I also helped lead the Department's successful efforts to modernize foreign intelligence surveillance law and to develop and present the Department's legal positions before the Foreign Intelligence Surveillance Court.

In January 2009, I left the Department of Justice as part of the change in

administrations and went to work for The Boeing Company. I spent the first two years as chief counsel for the Network & Space Systems business. I dealt with a variety of commercial and government contract issues, including those involving indemnity and liability. In the spring of 2011, I was promoted to Vice President and led the Law Department's international practice group for the next five years, with responsibility for all non-U.S. legal issues, as well as anticorruption, trade, and trade controls and sanctions law. In spring of 2016, I became the head of our Washington, DC legal office, responsible for regulatory and government law matters, including ethics and lobbying and campaign finance compliance. I have also continued to lead the company's practice in anticorruption compliance, trade control and sanctions law, and trade law.

- 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.

Most of my practice has been an in-house advisory capacity, whether in the government or the private sector. I have been involved in litigating matters in an in-house capacity and have spent very little time in court. My work at Ropes & Gray as a litigation associate was mainly discovery work—depositions, witness interviews, document review—although I did draft memoranda and briefs. Of this work:

- i. Indicate the percentage of your practice in:

1. federal courts:	85%
2. state courts of record:	0%
3. other courts (world trade organizations):	10%
4. administrative agencies:	5%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	100%
2. criminal proceedings:	0%

- 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.

None

- i. What percentage of these trials were:

1. jury:	___%
2. non-jury:	___%

- 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.

None.

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.

Whether with the government or in the private sector, my practice has largely consisted of in-house advisory work, rather than engaging in trial advocacy. I have listed below seven significant matters (or groups of matters) that involved litigation. I have further described my practice in detail in response to Question 16 below.

1. *United States v. European Community and Certain Member States*, World Trade Organization, DS316, US panel request May 31, 2005.

***European Community v. United States*, World Trade Organization, DS353, EC panel request January 20, 2006.**

***European Union v. United States*, World Trade Organization, DS487, EU panel request February 12, 2015.**

I have handled these three cases since 2011 on behalf of The Boeing Company, working through outside counsel and with the attorneys in the U.S. Trade Representative's Office. The U.S. filed the first case, DS316, to challenge tens of billions of dollars in non-commercial loans and other subsidies that enabled Airbus to develop its various models of large commercial airplanes. Airbus countered with DS353 and later DS487, challenging a variety of U.S. Department of Defense and NASA contracts that Boeing received as well as certain state and local tax incentives. These matters continue in litigation. The nature of my support has been to help develop and draft legal arguments in support of the U.S. position and to marshal the facts needed from the Company to make the case.

Co-Counsel:

Robert Novick
WilmerHale (representing The Boeing
Company)
1875 Pennsylvania Ave., NW
Washington, DC 20006
202-663-6140

Opposing Counsel: This is a dispute between governments. The EU is represented by their trade representative's office, and I have had no contact with them.

2. *In the Matter of 100- to 150-Seat Large Civil Aircraft from Canada, Petition for the Imposition of Antidumping and Countervailing Duties, International Trade Commission and the U.S. Department of Commerce, filed April 27, 2017.*

I have handled this matter since before its filing on behalf of The Boeing Company. This petition seeks an investigation by the U.S. Department of Commerce and International Trade Commission into whether the Province of Quebec and the federal government of Canada have unlawfully subsidized Bombardier's entry into the single aisle airplane market and whether Bombardier has dumped its airplanes into the United States. The investigation is ongoing. The nature of my involvement has been to help develop and draft legal arguments in support of the company's position and to marshal the facts needed from the Company to make the case.

Co-Counsel:

Robert Novick
WilmerHale (representing The Boeing
Company)
1875 Pennsylvania Ave., NW
Washington, DC 20006, 202-663-6140

Opposing Counsel:

Peter Lichtenbaum
Covington & Burling
One City Center
850 Tenth St., NW
Washington, DC 20001
(202) 662-5557

3. *In re: Directives to Yahoo! Inc. Pursuant to section 105B of the Foreign Intelligence Surveillance Act, No. 08-01, (FISA Ct. Rev. August 22, 2008).*

While at the National Security Division, I helped to represent the United States in this challenge by Yahoo! to certain surveillance of non-U.S. persons outside the United States authorized by the Protect America Act. The Foreign Intelligence Surveillance Court (FISC) granted the United States' motion to compel, and the FISA Court of Review affirmed. I supported this litigation by helping to craft the legal arguments and draft the briefs.

Foreign Intelligence Surveillance Court:

Hon. Reggie Walton

Foreign Intelligence Surveillance Court of Review: Selya, Winter, Arnold, Circuit Judges

Co-Counsel:

J. Patrick Rowan, National Security Division (now at: McGuireWoods, 2001 K St., NW, Washington, DC 20006 (202) 857-1758)

Matthew Olsen, National Security Division (now at: IronNet Cybersecurity, 8135 Maple Lawn Blvd, Fulton, MD 20759, (443) 300-6761)

Gregory Garre, Acting Solicitor General (now at: Latham & Watkins LLP, 5555 Eleventh St., NW, Washington, DC 20004, (202) 637-2207)

John Eisenberg, Office of the Deputy Attorney General (now at: National Security Council, The White House, Washington, DC 20502, (202) 456-1414)

U.S. Department of Justice
National Security Division
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 514-2600

Opposing Counsel:

Mark Zwillinger
Sonnenschien Nath & Rosenthal
(Now at ZwillGen PLLC)
1900 M St. NW, Suite 250
Washington, DC 20036
(202) 296-3585

4. *In re: Motion for Release of Court Records*, 07-01, 2007 WL 4355497 (FISA Ct. Dec. 11, 2007).

In this litigation, I helped represent the United States while at the National Security Division to counter the American Civil Liberties Union's request for release of classified FISA court records relating to its issuance of orders on January 10, 2007, authorizing certain foreign intelligence collection activity. The FISA Court denied the ACLU's motion. I supported this litigation by helping to craft the legal arguments and draft the briefs.

Foreign Intelligence Surveillance Court Judge: Hon. John D. Bates

Co-Counsel:

Matthew Olsen, National Security Division
(now at: IronNet Cybersecurity, 8135 Maple
Lawn Blvd, Fulton, MD 20759, (443) 300-
6761)

Nicholas Patterson, National Security
Division (now at: U.S. Attorney's Office,
Western District of Oklahoma, 210 W. Park
Ave., Oklahoma City, OK 73102, (405) 553-
8700)

Matthew Anzaldi, National Security
Division

U.S. Department of Justice
National Security Division
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 514-2600

Opposing Counsel:

Jameel Jaffer, ACLU
(now at: Knight Institute, Columbia
University, 314 Low, 535 W. 116 St. New
York, NY 10027, (212) 854-0655)

**5. *In re: Proceedings Required by section 702(i) of the FISA Amendments Act of 2008*, MISC
08-01 (FISA Ct. August 27, 2008) .**

In this litigation, I helped the National Security Division represent the United States in its opposition to the American Civil Liberties Union's motion to participate in the FISA Court's review of the Government's proposed certification, targeting and minimization procedures under section 702 of FISA. The FISA Court denied the ACLU's motion. I supported this litigation by helping to craft the legal arguments and draft the briefs.

FISA Judge:

Hon. Mary McLaughlin

Co-Counsel:

J. Patrick Rowan, National Security
Division (now at: McGuireWoods, 2001 K
St., NW, Washington, DC 20006 (202) 857-
1758)

Matthew Olsen, National Security Division
(now at: IronNet Cybersecurity, 8135 Maple
Lawn Blvd, Fulton, MD 20759, (443) 300-
6761)

Jamil Jaffer, National Security Division
(now at: IronNet Cybersecurity, 8135 Maple
Lawn Blvd, Fulton, MD 20759, (443) 300-
6761)

Andrew Tannenbaum, National Security
Division (now at: IBM, 1 New Orchard Rd.,
Armonk, NY 10504, (914) 499-1900)

United States Department of Justice
National Security Division
950 Pennsylvania Ave., N.W.
Washington, DC 20530
(202) 514-2600

Opposing Counsel:

Jameel Jaffer, ACLU
(now at: Knight Institute, Columbia
University, 314 Low, 535 W 116 St., New
York, NY 10027, (212) 854-0655)

**6. *Delta Air Lines v. Export-Import Bank of the United States*, 718 F.3d 974 (D.C. Cir. 2013)
(per curiam)**

***Delta Airlines v. Export-Import Bank of the United States*, 85 F.Supp.3d 436 (D.D.C. 2015).**

While at Boeing, Delta Air Lines challenged the adequacy of the Export Import Bank's review of the economic impact of its financing of certain airplane purchases from Boeing by non-US customers. In both sets of cases, we worked cooperatively with the U.S. Department of Justice and the Bank to defend the legality of the Bank's actions. In the first case, I worked with the National Association of Manufacturers and their outside counsel when they filed an amicus brief in support of the Bank. In the second case, Boeing itself filed an amicus brief in support of the Bank. I was involved in the drafting of this brief.

District Judge:

Hon. Rudolph Contreras
United States District Court
District of Columbia

Co-Counsel:

Noel Francisco, Jones Day (for The Boeing
Company) (now at: U.S. Department of
Justice, 950 Pennsylvania Ave., NW
Washington DC, 20530
(202) 353-1555)

Steven Bradbury (for the National
Association of Manufacturers)
Dechert

1900 K Street, NW
Washington, DC, 20006
(202) 261-3300

Jean Lin (for Export-Import Bank)
Civil Division – Federal Programs Branch
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington DC, 20530
(202) 353-1555

Opposing Counsel:

Wan Kim
Kellogg, Huber, Hansen, Todd, Evans, Figel
& Frederick, PLLC
615 M St., NW
Suite 400
Washington, DC 20036
(202) 326-7900

7. *SR International Business Ins. Co., Ltd. v. World Trade Center Properties, LLC, et al.*, No. 01 Civ. 9291(JSM), 2003 WL 193071 (S.D.N.Y. Jan. 29, 2003).

Certain legal issues raised in summary judgment were resolved on appeal in 345 F.3d 154 (2nd Cir. 2003). The case ultimately went to a jury trial. This case concerned the amount of the property insurance coverage for the World Trade Center when it was destroyed on September 11, 2001. As an associate at Ropes & Gray, I helped to represent certain insurance syndicates at Lloyd's London as well as QBE International Insurance Coverage. As part of that representation I took and defended depositions, engaged in written discovery and helped draft briefs and motions. I left the firm before the trial.

District Judge:

Hon. Daniel Martin
United States District Court
Southern District of New York

Co-Counsel:

Kenneth Erickson
Robert Skinner
Ropes & Gray
800 Boylston St.
Boston, MA 02199
(617) 951-7000

Opposing Counsel:

Peter Hein
Martin Arms
Wachtell, Lipton, Rosen & Katz
51 W 52nd St.

New York, NY 10019
(212) 403-1237

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.)

While at the Department of Justice, I worked on a number of matters related to national security, in addition to the litigation set out in response to question 15. My focus included various aspects of the Foreign Intelligence Surveillance Act (FISA), culminating in my work on the FISA Amendments Act of 2008. I have also drafted legal briefs and presented them to the FISC. During that same period, I also worked on the rewrite of Executive Order 12333 and the FBI investigatory guidelines.

In my in-house counsel capacity at Boeing, I provide legal advice across a wide range of activity, in addition to the litigation laid out above. On the business side, commercial contract issues dominate, especially those of liability, warranty, and indemnity. As head of the Boeing's Global Law Affairs group, I have been involved in the analysis and approval of international commercial contracts that present those issues under non-U.S. laws. I have also headed, together with the Finance group, Boeing's anticorruption compliance program and, together with Global Trade Controls, the Company's trade control compliance program, including sanctions compliance.

I have not performed any lobbying activities.

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.

National Security Investigations & Litigation, Georgetown Law Center, Spring semesters, 2010 – 2017 (with Ken Wainstein). This class focused on the tools that are used in national security investigations, as well as the organization and historical development of the intelligence community, foundational constitutional issues, and the rules governing the use of information gathered by the use of such tools. Syllabus provided.

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.

Pursuant to my separation agreement with The Boeing Company, which was disclosed to and pre-cleared by the Office of Government Ethics, I will receive payments for unused vacation time, tax preparation, and prorated portions of annual and long-term incentive compensation.

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).

See my SF-278 as provided 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).

See attached Net Worth Statement.

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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. I will continue to consult with the Department's ethics office if confirmed and will recuse myself from any matter in which it is required.

- 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 consult with the Department of Justice's ethics office if confirmed and will

recuse myself from any matter in which it is required.

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.

I have not engaged in significant legal pro bono work, although I have done a variety of public service and volunteer activities. More than one-third of my legal career has been spent in federal government service. In addition, for the past eight years, I have taught a class in national security law at Georgetown Law Center, in exchange for only a stipend that covered my expenses. I have also participated in volunteer activity through my work and at my children's school, including fundraising for the school's foundation. In the past, I have volunteered to help underprivileged individuals fill out and file their taxes and to help permanent resident aliens apply for U.S. citizenship. I also participate in mentoring programs for more junior employees at Boeing to help them develop their careers.

AFFIDAVIT

I, John C Demers, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

9/8/17
(DATE)

John C Demers
(NAME)

Kasey Chung-A Chen
(NOTARY)

