

June 16, 2025

Mr. Craig Trainor
Assistant Secretary Designate
Department of Housing and Urban Development

Dear Mr. Trainor:

Thank you for testifying before the United States Senate Committee on Banking, Housing, and Urban Affairs on June 12, 2025, at our hearing to consider nominations.

To complete the hearing record, we would appreciate your answers to the enclosed questions by June 16, 2025, at 5:00PM. When formatting your response, please repeat the question, then your answer, single spacing both question and answer. Please do not use all capitals.

Send your reply to Mr. Cameron Ricker, the Committee's Chief Clerk. He will transmit copies to the appropriate offices, including the Committee's publications office. Due to current procedures regarding Senate mail, it is recommended that you send replies via e-mail in a Microsoft Word or PDF attachment to Evan_Grffis@banking.senate.gov.

If you have any questions about this letter, please contact Mr. Griffis at (202) 224-5587.

Sincerely,

Tim Scott
Chairman

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Questions for Mr. Craig Trainor, to be Assistant Secretary, Department of Housing and Urban Development, from Ranking Member Elizabeth Warren:

Staffing and Capacity

1. In the Trump Administration’s FY 2021 Congressional Budget Justifications, HUD stated that staffing levels at the Office of Fair Housing and Equal Opportunity (FHEO) had declined by 32 percent over nine years, and that this decline had “resulted in significant risks in the execution of FHEO programs.”¹ In fact, HUD’s Office of the Inspector General (OIG) found that between 2020 and 2022, a lack of staff capacity diminished HUD’s ability to complete Fair Housing Act investigations within 100 days, as required by statute.² Yet, upon taking office, President Trump took steps to fire or encourage HUD staff departures, and has proposed a nearly 80% reduction in FHEO staff.³ According to media reports, HUD’s Office of the General Counsel has warned that the recent loss of lawyers is significantly increasing litigation risk and the risk of fraud, waste and abuse.⁴

- a. Will you commit to including in your budget request the necessary funding for adequate staffing levels so FHEO can effectively enforce the *Fair Housing Act* and other civil rights laws?

RESPONSE: I am fully committed to vigorously enforcing the Fair Housing Act and if confirmed, I will do everything in my power to ensure that FHEO has the resources to do so.

- b. What specific measures will you take to ensure adequate staffing and capacity are in place to meet the office’s statutory obligations?

RESPONSE: If confirmed, I will work with my team and agency leadership to ensure that FHEO is able to fully meet its statutory obligations.

¹ U.S. Department of Housing and Urban Development, “Program Offices Salaries and Expenses, Office Fair Housing and Equal Opportunity,” https://www.hud.gov/sites/dfiles/CFO/documents/52_FY21CJ_SE_FHEO.pdf.

² HUD OIG, “FHEO Faces Challenges in Completing Investigations Within 100 Days,” September 24, 2024, https://www.hudoig.gov/sites/default/files/2024-09/2024-bo-0005_508.pdf

³ HousingWire, “HUD to cut 50% of its workforce in latest Trump purge,” Sarah Wheeler, February 14, 2025, <https://www.housingwire.com/articles/hud-to-cut-50-of-its-workforce/>; See also Shriver Center on Poverty Law, “The White House puts fair housing on the chopping block,” March 27, 2025, <https://www.povertylaw.org/article/hud-cuts-put-fair-housing-on-the-chopping-block/>

⁴ Bloomberg, “US Housing Agency Vulnerable to Fraud After DOGE Cuts, Documents Warn,” Kriston Capps, June 5, 2025, <https://www.bloomberg.com/news/articles/2025-06-05/hud-staff-cuts-leave-agency-vulnerable-to-fraud-report-warns>

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- c. Will you commit to opposing any efforts to decrease HUD's FHEO budget for staffing and resources for fair housing programs?

RESPONSE: I will fully commit to ensuring that FHEO vigorously enforces the Fair Housing Act if confirmed.

2. In a letter sent to fair housing enforcement organizations, a HUD regional office noted that it would be reducing complaint intake channels due to a 22 percent reduction in FHEO staff, with additional potential loss of FHEO staff. If confirmed, the reductions in staff that have already occurred would leave you with a smaller team, which will have the capacity to investigate fewer cases. Please describe what factors you would take into consideration as you directed FHEO to prioritize its investigation caseload and backlogs.
3. **RESPONSE: If confirmed, I commit to studying the current state of FHEO and working with HUD's political leadership and career professionals to determine prioritization and increasing efficiencies. I will direct FHEO to prioritize cases according to Congress's intent with the Fair Housing Act, specifically prioritizing cases involving the seven protected classes prescribed in the law.**
4. Please describe any complaint backlogs you inherited in your current role, the protected classes encompassed in such backlogs, and the methodology you used to determine how to prioritize addressing complaint backlogs by protected class.

RESPONSE: The Department of Education's Office for Civil Rights (OCR) inherited a backlog of cases from the prior Administration related to antisemitic harassment and violence within American educational institutions, which is cognizable under Title VI's prohibition on national origin discrimination. In consultation with the Department's political leadership and career professionals, OCR prioritized addressing these cases for evaluation, investigation, and resolution.

FHEO Policy and Enforcement

5. Do you commit to enforcing the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act to the fullest extent of the law?

RESPONSE: Yes.

- i. You have said that you have practiced civil rights law for many years. Do you agree that the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act protect individuals from housing discrimination based on each of the characteristics listed below?

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RESPONSE: Please see specific answers below.

ii. Race?

RESPONSE: “Race” is a protected class under the Fair Housing Act and Title VI.

iii. Color?

RESPONSE: “Color” is a protected class under the Fair Housing Act and Title VI.

iv. National origin?

RESPONSE: “National origin” is a protected class under the Fair Housing Act and Title VI.

v. Religion?

RESPONSE: “Religion” is a protected class under the Fair Housing Act.

vi. Sex (including sexual orientation and gender identity)?

RESPONSE: “Sex” is a protected class under the Fair Housing Act.

vii. Familial status?

RESPONSE: “Familial status” is protected class under the Fair Housing Act.

viii. Disability?

RESPONSE: “Disability” is a protected class under the Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disability Act.

ix. Do you agree that Congress has the constitutional authority to prohibit discrimination based on any and all of the characteristics listed above?

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RESPONSE: Congress has the constitutional authority to prohibit discrimination, and FHEO will fully enforce all laws that prohibit discrimination based on protected characteristics.

6. As one of his first acts as HUD Secretary, Scott Turner withdrew proposed updates to HUD's Affirmatively Furthering Fair Housing rule, replacing them instead with a new proposal that would only require "a locality's certification that it has affirmatively furthered fair housing," even if the locality has not made any demonstration to HUD that it has taken steps to further fair housing.⁵

- a. How would you assess the validity of self-certifications under AFFH?

RESPONSE: The new AFFH rule safeguards communities and neighborhoods from bureaucrats trying to experiment with hometowns and homes by micromanaging zoning and other local functions. Secretary Turner is returning control back to the communities, where it belongs.

- b. Will you investigate communities that certify that they have affirmatively furthered fair housing if HUD receives reports, complaints, or other evidence indicating that there may be an AFFH violation?

RESPONSE: I commit to fully enforcing the Fair Housing Act.

7. HUD's "Discriminatory Effects" rule, which implements the disparate impact provision of the Fair Housing Act, prohibits any housing policy or practice with discriminatory effects, whether intended or not, "if it was not necessary to achieve a substantial, legitimate, nondiscriminatory interest or if a less discriminatory alternative could also serve that interest."⁶ Will you preserve HUD's 2023 reinstatement of the 2013 "Discriminatory Effects" rule?⁷

RESPONSE: As I am not in the HUD building and have yet to be confirmed, it would be improper for me to comment on the agency's regulatory agenda and priorities. If confirmed, I commit to working with you on our regulatory agenda.

⁵ HUD, "Secretary Scott Turner Cuts Red Tape by Terminating AFFH Rule," press release, <https://www.hud.gov/news/hud-no-25-034>

⁶ U.S. Department of Housing and Urban Development, "HUD Restores 'Discriminatory Effects' Rule," press release, March 17, 2023, https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_054.

⁷ HUD, "Reinstatement of HUD's Discriminatory Effects Standard," final rule, March 31, 2023, <https://www.federalregister.gov/documents/2023/03/31/2023-05836/reinstatement-of-huds-discriminatory-effects-standard>

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- a. How do you plan to respond to the April 23rd Executive Order entitled, “Restoring Equality of Opportunity and Meritocracy,” where President Trump calls on federal agencies and the Attorney General to “evaluate all pending proceedings [as well as existing consent judgments and permanent injunctions] that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order”?⁸

RESPONSE: I plan to fully comply with federal law while working to implement President Trump’s priorities.

- b. Will you commit to strong disparate impact enforcement, including to root out discriminatory effects in the use of artificial intelligence technologies across the housing market?

RESPONSE: I commit to vigorously enforcing all aspects of the Fair Housing Act and all other federal laws.

8. Secretary Turner announced that HUD will stop enforcing the “Equal Access” rule, which requires that HUD-assisted housing and services under programs administered by the Office of Community Development and Planning be made available to individuals and families regardless of sex, including sexual orientation or gender identity, consistent with recent Supreme Court jurisprudence.⁹ Do you support this decision to ignore jurisprudence and if so, why?

RESPONSE: I fully support Secretary Turner’s priorities, and I will follow all lawful court orders and applicable precedents.

9. In your nomination hearing on June 12, you stated that the Supreme Court’s decision in *Bostock*, which upheld that protections based on sex include sexual orientation and gender identity, applied only to Title VII of the Civil Rights Act of 1964. Please explain why the *Bostock* decision would apply to discrimination on the basis of “sex” under Title VII of the Civil Rights Act of 1964 differently than it would apply to discrimination on the basis of “sex” under Title VIII (also known as the Fair Housing Act) or any other title under the Act where Congress established “sex” as a protected class?

RESPONSE: Should I be confirmed, I fully commit to complying with all U.S. Supreme Court orders and applicable precedents.

⁸ The White House, “Restoring Equality of Opportunity and Meritocracy,” Executive Order, April 23, 2025, <https://www.whitehouse.gov/presidential-actions/2025/04/restoring-equality-of-opportunity-and-meritocracy/>

⁹ U.S. Department of Housing and Urban Development, “Housing Discrimination and Persons Identifying as Lesbian, Gay, Bisexual, Transgender, and/or Queer/Questioning (LGBTQ),” https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq.

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10. In 2021, FHEO published a memorandum stating that “HUD’s Office of General Counsel [OGC] has concluded that the Fair Housing Act’s sex discrimination provisions are comparable to those of Title VII and that they likewise prohibit discrimination because of sexual orientation and gender identity” and that the *Bostock* ruling would be applied to the Fair Housing Act. While the Trump Administration has not published a new legal opinion explaining any change in fair housing enforcement based on *Bostock*, HUD has sent letters to potential victims of housing discrimination stating that discrimination based on sexual orientation is no longer subject to the Fair Housing Act.

- a. Do you disagree with the 2021 HUD OGC determination that *Bostock* applies to the Fair Housing Act? If so, why?

RESPONSE: Should I be confirmed, I fully commit to complying with all U.S. Supreme Court orders and applicable precedents.

- b. Will you commit to recommending the release of HUD legal interpretations, including updated interpretations, as they pertain to the functions of FHEO, to provide clarity to the public? If not, why not?

RESPONSE: I fully commit to transparency in FHEO functions and operations.

11. Will you commit to re-opening recently closed complaint intake channels at HUD to allow potential victims of housing discrimination to file fair housing complaints with the Department?

RESPONSE: If confirmed, I commit to taking a full inventory of all FHEO programs and utilizing those necessary to fulfill FHEO’s mission. I will ensure that there are proper avenues for individuals to file complaints. Because I am not a HUD, I cannot speak to any changes in the number of complaints filed.

- a. Do you agree that reducing complaint intake channels could result in fewer complaint filings?

RESPONSE: Please see above.

- b. Do you agree that a subsequent reduction in the number of filed complaints is not an indication of a reduction in actual instances of housing discrimination?

RESPONSE: Please see above.

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12. Will you end requirements that FHEO staff obtain Trump appointee approvals before they can advance routine investigatory tasks and settlements, which have been reportedly resulting in investigations backlogs and diminished negotiating power for HUD?¹⁰

RESPONSE: As I have yet to start at HUD, I am unable to speak to FHEO's internal operations at this time, but I commit to following all statutory requirements.

13. Will you ensure systemic investigations, discretionary investigations, and compliance reviews continue and how? If not, why not?

RESPONSE: If confirmed, I commit to continuing all procedures and protocols necessary to the vigorous enforcement of federal law.

14. Will you commit to issuing discrimination charges and initiating investigations that HUD has withheld or otherwise stalled since January 20, 2025?

RESPONSE: If confirmed, I commit to fully enforcing federal law.

- a. Will you hold defendants accountable for ignoring HUD correspondence, including by pursuing litigation?

RESPONSE: If confirmed, I will fully enforce federal law.

- b. Will you hold defendants accountable for walking away from the negotiating table or rescinding settlements with HUD, including by issuing charges of discrimination?

RESPONSE: If confirmed, I will fully enforce federal law.

15. Reporting indicates that accused violators of fair housing law are acting with impunity, including by ignoring HUD communications, because they don't believe HUD will hold them accountable. What will you do to strengthen HUD's negotiating position to hold violators of fair housing and civil rights laws under HUD's jurisdiction accountable?

RESPONSE: As I have yet to be confirmed, I am unable to speak to FHEO's internal operations.

16. What will you do if it is reported to you or you personally witness that Department of Government Efficiency personnel are trying to undermine, influence, or otherwise interfere with FHEO investigations, negotiations, or settlements?

¹⁰ ProPublica, "How the Trump Administration Is Weakening the Enforcement of Fair Housing Laws," Jesse Coburn, May 15, 2025, <https://www.propublica.org/article/trump-hud-weakening-enforcement-fair-housing-laws>

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RESPONSE: If confirmed, I will ensure that FHEO's operations are conducted with efficiency, thoroughness, and accountability, free from bias and fully in line with federal law.

Fair Housing Initiatives Program

17. Will you commit to reinstating grants under HUD's Fair Housing Initiatives Program (FHIP) to local fair housing organizations?

RESPONSE: As I have yet to be confirmed, I am unable to comment on HUD's internal operations or grant agreements at this time.

18. FHIP grantees handled over 75% of all fair housing complaint intake in 2023. The President's FY26 Budget proposed eliminating this program. Will FHEO staff take over responsibility for this intake and if so, how?

RESPONSE: If confirmed, I will direct FHEO staff to work vigorously to ensure that HUD's statutory obligations are met under the Fair Housing Act and other applicable laws.

Nominee Statements/Beliefs

19. Have you ever litigated civil rights cases? If so, please list each case, whether you represented the plaintiff or the defendant, which laws and protected classes were implicated, and what the outcome of each case was.

RESPONSE: I have litigated civil rights cases. I have served as a civil rights lawyer since I began my practice in 2010. My litigation experience is outlined in the Senate Committee on Banking, Housing, and Urban Affairs questionnaire that I provided to the Committee. I typically represented plaintiffs who alleged violations of their constitutional rights under 42 U.S.C. § 1983. To my recollection, with only two exceptions (where the courts granted the defendants' motions for summary judgment after extensive discovery and litigation), the outcome of each case was a monetary settlement for my clients.

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20. The Black-White homeownership gap was larger in 2024 than it was just after the passage of the Fair Housing Act in 1968.¹¹

a. Why do you think this is the case?

RESPONSE: I am committed to rooting out all forms and examples of housing discrimination that take place in this country.

b. What specific steps will you take to ensure that individuals receive fair and equitable access to homeownership opportunities based on race and color?

RESPONSE: If I am confirmed, I will fully enforce the Fair Housing Act and vigorously pursue all fair housing violations against protected classes, including race and color.

21. In 2022, you authored a dissent in a New York Advisory Committee to the U.S. Commission on Civil Rights report entitled, “Racial Discrimination and Eviction Policies and Enforcement in New York,” stating that you “do not doubt [the committee’s] good faith view that racial discrimination many decades in the past somehow reveals itself today in New York’s rental market, though having seen no credible evidence...do not share this view.”¹² Your work under the current Trump Administration has recently been characterized as misrepresenting civil rights law and “a gross distortion of reality that attempts to erase the lived experiences of millions of Black and Brown children in this country.”¹³ Do you agree that people face racial discrimination in housing today, including in New York State rental markets? Please elaborate and if not, why not?

RESPONSE: As I stated during my confirmation hearing, in a country this size—one of over 340 million people—there will certainly be instances of racial discrimination in the housing market. My dissent did not claim anything to the contrary, and I refer you to the full dissent for further explanation.

¹¹ National Association of Real Estate Brokers, “2024 State of Housing in Black America,” November 7, 2024, https://www.nareb.com/site-files/uploads/2024/11/2024-State-of-Housing-in-Black-America_F2-WOT.pdf.

¹² NAACP-Legal Defense Fund, “LDF Sues on Behalf of NAACP to Challenge U.S. Department of Education’s “Dear Colleague” Letter and Certification Requirement,” April 15, 2025, <https://www.naacpldf.org/news/ldf-sues-on-behalf-of-naACP-to-challenge-u-s-department-of-educations-dear-colleague-letter-and-certification-requirement/>

¹³ New York Advisory Committee to the U.S. Commission on Civil Rights, “Racial Discrimination and Eviction Policies and Enforcement in New York,” March 2022, <https://www.usccr.gov/files/2022-03/New-York-Advisory-Committee-Evictions-Report-March-2022.pdf>

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- a. Do you agree that the Fair Housing Act applies to eviction policies, practices, and their outcomes? Please include data and case law references in your response.

RESPONSE: The Fair Housing Act was enacted to protect all individuals from housing discrimination.

- b. Do you consider Black and Latino renters to be “favored minority groups,” as referenced in your 2022 dissent?

RESPONSE: This question misrepresents what I wrote, and I refer you to the full dissent for further explanation.

- c. If a report revealed racial discrimination in housing against White individuals, would you consider such individuals to be a “favored minority group”?

RESPONSE: Reports of discrimination should be judged solely on the merits and credibility of the evidence provided.

22. In an article entitled “George Floyd and the Rival Constitution,” published in *Quillette* in September 2021, you reviewed a book by Christopher Caldwell entitled, *The Age of Entitlement: America Since the Sixties*. You explained Caldwell’s description of “two fundamentally irreconcilable constitutions” in America since the passage of the Civil Rights Act of 1964: the actual Constitution and a “rival constitution [made up of] a complex web of civil rights statutes, judicial claims, policies and regulations, bureaucracies, and a cultural attitude of entitlement.”¹⁴ You stated that you favored “the actual constitution.”

- a. In your own words, please describe the “rival constitution.”

RESPONSE: This article was written as a book review on the changing nature of American law and jurisprudence over the course of our country’s history. I have provided the book review to the Committee, and I refer you to the book review for further explanation.

- b. Do you agree with Christopher Caldwell that the “rival constitution” and the “actual” Constitution are “irreconcilable”?

RESPONSE: Please see above.

23. In the book review, you stated, “Today, however, it is surely undeniable that the 2020 unrest—ignited by a single instance of police misconduct but inflamed by selective media coverage, COVID-19 lockdown boredom, BLM ideologues, the demagogic architect of the

¹⁴ Quillette, “George Floyd and the Rise of the Rival Constitution,” Craig Trainor, September 17, 2021, <https://quillette.com/2021/09/17/george-floyd-political-violence-and-the-rise-of-the-rival-constitution/>

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1619 Project, and assorted left-wing activists and anarchists—was an outburst of political violence in the name of the rival constitution.”

- a. Please elaborate on your view that “the 2020 unrest” in the wake of George Floyd’s murder in 2020 “was an outburst of political violence in the name of the rival constitution.”

RESPONSE: Please see above.

- b. Polls at the time suggested that between 15 and 26 million Americans¹⁵ participated in demonstrations surrounding George Floyd’s murder. Please explain how this mass mobilization of Americans connects, if at all, to the concept of the “rival constitution.”

RESPONSE: Please see above.

- c. Why do you think an estimated 15 to 26 million Americans participated in demonstrations in 2020 surrounding George Floyd’s murder?

RESPONSE: I cannot speak to the motivations of the individuals who participated in demonstrations.

24. In the same book review, you criticized the author’s view, as you describe it, that “[President] Reagan did little to dismantle the civil rights and welfare state.” You went on to lay out the ways in which you disagreed with the author and believe the Reagan Administration did the opposite. As one example, you stated that Reagan’s Assistant Attorney General for the Civil Rights Division “worked tirelessly - if not always successfully - to rein in the civil rights apparatus that Caldwell indicts.”¹⁶

- a. Do you support efforts taken during the Reagan Administration to “rein in the civil rights apparatus”? If so, please describe the specific actions taken by Reagan Administration officials that you support.

RESPONSE: Please see above.

25. In the book review, you asserted that “the current Vice President of the United States was selected on the basis of her race (and sex) rather than any particular virtue or ability or even

¹⁵ New York Times, “Black Lives Matter May Be The Largest Movement in U.S. History,” Larry Buchanan, Quoctrung Bui, and Jugal K. Patel, July 3, 2020, <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

¹⁶ Quillette, “George Floyd and the Rise of the Rival Constitution,” Craig Trainor, September 17, 2021, <https://quillette.com/2021/09/17/george-floyd-political-violence-and-the-rise-of-the-rival-constitution/>

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the pragmatic need for the ticket to carry her home state of California.”¹⁷ Please elaborate on this statement. What did you mean by the phrase, “rather than any particular virtue or ability”?

RESPONSE: Please see above.

26. To conclude the book review, you stated:

Ultimately, Caldwell is light on solutions (or serious tradeoffs), short of repealing the 1964 Act, which he knows will not happen. But The Age of Entitlement’s value lies in its diagnosis of the problem. Concerned Americans can no longer afford denial. As they say in 12-step programs, acknowledging the problem is the first step toward recovery. With every unpunished riot, CRT curriculum victory, repressed opinion, abolished standardized test, elected progressive prosecutor, permissive criminal justice reform, woke army general, and discriminatory Biden administration policy, the new regime fortifies its position. What small or large event will trigger the constitutional crisis is anyone’s guess. But this much is plain: When that great constitutional conflict arises, the actual Constitution and the colorblind principles it encompasses must prevail.

- a. Do you believe that Caldwell correctly “diagnoses the problem” surrounding civil rights in America? If not, why not?

RESPONSE: Please see above.

- b. Please describe what you mean by the term “the new regime.”

RESPONSE: Please see above.

- c. Please elaborate on what you believe “the actual Constitution” must “prevail” against, should a “great constitutional conflict arise” in the realm of civil rights.

RESPONSE: Please see above.

27. In an article entitled, “Reject Racial Hysteria,” published in *City Journal* in November 2021,¹⁸ you stated:

On November 19, 2021, Damian Williams was sworn in as U.S. Attorney for the Southern District of New York. At 41, Williams is an impressive figure: A.B. from

¹⁷ *Id.*

¹⁸ City Journal, “Reject Racial Hysteria,” Craig Trainor, November 22, 2021, <https://www.city-journal.org/article/reject-racial-hysteria>.

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Harvard, M.Phil. from University of Cambridge, and J.D. from Yale Law School, followed by a prestigious clerkship with then-Judge Merrick Garland of the U.S. Court of Appeals for the D.C. Circuit and Justice John Paul Stevens of the U.S. Supreme Court. He then served in the same office he now leads, rising to head its Securities and Commodities Fraud Task Force. Williams is also black, which was evidently a key qualification for New York senator Chuck Schumer, who recommended that President Biden nominate Williams and two other black lawyers as U.S. Attorneys for Manhattan, Brooklyn, and Buffalo, respectively, “to ensure this state—and this country—deliver a fairer, more inclusive and just future for each and every one of us.”

What did you mean by the phrase “a key qualification”?

RESPONSE: This article was written in opposition to identity politics and attempts to divide Americans along racial lines. I have provided the article to the Committee, and I refer you to the article for further explanation.

28. In an article entitled, “Attorney General as Threat to Rule of Law,” published in *City Journal* in October 2022, you criticized New York Attorney General Leticia James for her efforts to prosecute President Trump. You stated, “American politics has always been a rough business, but campaigning to imprison or bankrupt a fellow officeholder, much less the leader of the free world, was partisanship taken to extremes.” After describing the Attorney General’s actions, you note, “There is a term for all this: *the weaponization of government*—to harass, punish, ruin, and, if possible, imprison one’s political enemies. It’s a threat that transcends any one person.”

- a. Do you oppose politicians who threaten to imprison, bankrupt, or otherwise harm other politicians or public servants?

RESPONSE: The article was written in direct opposition to the actions of New York Attorney General Letitia James and her efforts to weaponize the justice system against President Trump, which I oppose entirely.

- b. Based on your answer in (a), please provide your views on President Trump’s repeated threats—both veiled and overt—to investigate, prosecute, jail, or otherwise punish his political opponents.

RESPONSE: I disagree with the premise of this question.

29. In an article entitled, “Taking on ‘Progressive Prosecutors’” published in *City Journal* in February 2021, you criticize “progressive prosecutors” as being overly politicized. You state that progressive prosecutors “rarely discuss the importance of preserving public safety and prosecuting and jailing criminals” and instead, among other things, “promise to end

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prosecution for whole classes of offenses that disproportionately affect minorities (without confronting why that may be).”¹⁹

- a. In your view, what is a “progressive prosecutor”?

RESPONSE: This article was written in opposition to the politicization of the American justice system. I vigorously oppose such politicization and will ensure that FHEO will not be politicized if I am confirmed. I have provided the article to the Committee, and I refer the Committee to the article for further explanation.

- b. In this article, what did you mean by the phrase “without confronting why that may be”?

RESPONSE: Please see above.

- c. In your view, why do “whole classes of offenses” in some cases “disproportionately affect minorities”?

RESPONSE: Please see above.

30. In an article entitled, “Two New York Lawyers Choose Violence Over Oath to Defend the Constitution,”²⁰ published in the *National Review* in June 2020, you quote the linguist John McWhorter, who:

has examined the pious underpinnings of “a profoundly religious movement” called “third-wave antiracism.” Its scripture teaches that “whites are permanently stained by their white privilege” and can only receive absolution “by eternally attesting to it.” The church of antiracism predicts “Judgment Day” will come when “America comes to terms with race,” and public demonstrations and announcements of progressive orthodoxy on race — or virtue signaling — “channel the impulse that might lead a Christian to an aggressive display of her faith in Jesus.”

Later in the article, you state, “It is not a stretch to hold that an uncritical and zealous allegiance to third-wave antiracism and woke ideology serves, in effect, as a repudiation of the [lawyer’s] oath to uphold and defend the colorblind Constitution.”

¹⁹ City Journal, “Taking on ‘Progressive Prosecutors,’” Craig Trainor, February 7, 2021, <https://www.city-journal.org/article/taking-on-progressive-prosecutors>.

²⁰ National Review, “Two New York Lawyers Choose Violence Over Oath to Defend the Constitution,” June 1, 2020, <https://www.nationalreview.com/bench-memos/two-new-york-lawyers-choose-violence-over-oath-to-defend-the-constitution/>.

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- a. In your view, what is “third-wave antiracism”?

RESPONSE: I fully oppose any attempts to undermine the colorblind nature of the U.S. Constitution. I have provided this article to the Committee, and I refer the Committee to the article for further explanation.

- b. In your view, what is “the colorblind Constitution”?

RESPONSE: Please see above.

- c. Do you agree with John McWhorter’s portrayal of third-wave antiracism as “a profoundly religious movement?” If so, why? If not, why not?

RESPONSE: Please see above.

- d. You stated that it was “not a stretch” to hold that “allegiance to third-wave antiracism and woke ideology” could repudiate one’s oath to defend the Constitution. Do you, personally, hold that a commitment to “third-wave antiracism,” as you define it, repudiates one’s oath to “the colorblind Constitution,” as you define it?

RESPONSE: Please see above.

31. In an article entitled, “Obama Rejected Race-Based Politics. The Woke Left Demands It,”²¹ published in *The Daily Signal* in November 2019, you describe President Obama’s 2008 election as historically “significant”: specifically, with President Obama’s election, “America was made whole.” You then place the election in the context of America’s history, stating:

Slavery is America’s original sin. To end that tyranny, Americans took up arms against each other, with an estimated body count of 625,000. That was not enough to repair America, however. We had to contend with the vestigial pathologies and crimes that slavery wrought: segregation, lynching, Jim Crow, discrimination, redlining, and the disruption of the black nuclear family. We passed civil rights laws, desegregated schools, and hearts and minds were won because Martin Luther King Jr. taught us that “when the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.” While President Barack Obama’s tenure was a political failure, the historic meaning of his twice-elected presidency remains: America made good on that promissory note.

²¹ The Daily Signal, “Obama Rejected Race-Based Politics. The Woke Left Demands It,” Craig Trainor, November 26, 2019, <https://www.dailysignal.com/2019/11/26/obama-rejected-race-based-politics-the-woke-left-demands-it/>.

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That phrase “made good on that promissory note” could be interpreted as implying that the election of President Obama in 2008 served as the culmination of our nation’s push to end discrimination on the basis of race. Please elaborate on what you meant by “American made good on that promissory note.”

RESPONSE: America made good on that promissory note by enacting equality under the law and enshrining that promise in the U.S. Constitution. I oppose any efforts to undermine this foundational principle. I have provided the article to the Committee, and I refer the Committee to the article for further explanation.

32. In the same article, you praise President Obama’s assertion at the 2004 Democratic National Convention that there is “not a black America and a white America and Latino America and Asian America. There’s the United States of America.” You then state that “this foundational principle, however, is under assault by identitarian determinists, academics who take intersectionality seriously, and ignorant college students who shout down people who disagree with them.” You describe these “developments as, in a word, regressive”:

Taken together, they hold that America does not consist of one people united by a common language, culture, tradition, creed, and citizenship, secured by the legal force of the Constitution and the moral suasion of the declaration. Rather, the morality of the tribe governs. Whether organized by race, ethnicity, sex, sexual preference, or religion, each tribe has a political mandate to pursue the presumed monolithic interests of its membership. To entertain moral agency is to concede to systems of oppression. If the cultural and political regression that identitarianism represents were benign, we could write it off as misguided enthusiasm for a bad idea. Instead, this malignant, new tribalism ravages “e pluribus unum” with the vigor of aggressive cancer. We fought an actual civil war, and responsible Americans should not welcome a “cold” one now.

- a. Please elaborate on your reference to a modern “cold war,” as it relates to race relations in the United States.

RESPONSE: Please see above.

- b. Please elaborate on your use of the term “aggressive cancer,” as it relates to race relations in the United States.

RESPONSE: Please see above.

- c. Please elaborate on your use of the term “tribe” to describe individuals who analyze the impacts of “race, ethnicity, sex, sexual preference, or religion” on American society.

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RESPONSE: Please see above.

- d. In your view, what is the most appropriate way for Americans to examine the differential impact of their race, ethnicity, sex, sexual preference, or religion on their own lives, the lives of their fellow citizens, and society as a whole? Do you believe such differences do, or may, exist? Do you believe that acknowledging differences in experiences, should they exist, is harmful to American society?

RESPONSE: Please see above.

33. In your current role at the Department of Education, how has your team interpreted the “Protecting Women” EO as it relates to claims of discrimination based on sexual orientation or gender identity?

RESPONSE: I cannot provide an answer here due to the predecisional and deliberative nature of the information requested.

- a. Have the agency’s legal analyses been made publicly available?

RESPONSE: Please see above.

34. According to official Federal Bureau of Investigations (FBI) records, a Trump Management Corporation employee told the FBI in the 1970s that he was directed to tell prospective Black renters who inquired about apartments that “the rent was twice as much as it really was” so that they “could not afford the apartment.”²² If a complaint were filed with HUD alleging this practice under your leadership, would you consider it a potential violation of the Fair Housing Act and investigate it? If not, why not?

RESPONSE: If confirmed, I will fully enforce the Fair Housing Act.

Committee Questionnaire

35. Under Committee rules, you are required to provide true and correct responses to all questions in the Committee’s questionnaire. Can you confirm that you have provided complete, true, and correct answers to all of the Committee’s questions in the questionnaire?

RESPONSE: Yes, I can confirm that to the best of my recollection, I have provided complete, true, and correct answers.

36. The Committee questionnaire requires you to list all of the formal speeches, presentations (e.g., PowerPoint), and public statements you have delivered during the past ten years which

²² Federal Bureau of Investigations, “Trump Management Company Part 02,” <https://vault.fbi.gov/trump-management-company/Trump%20Management%20Company%20Part%2002/view>

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are on topics relevant to the position for which you have been nominated, including dates and name of the forum you delivered the speech, presentation, or public statement. The questionnaire also requires you, if available, to provide the Committee with one digital copy of each formal speech, presentation, and public statement, and if text is no longer available, list the date, place, and organization or group to whom you made the speech or presentation. Can you confirm that you have provided complete, true, and correct disclosures in response to the Committee's requirements?

RESPONSE: To the best of my recollection and through searches of my records and publicly available online resources, I have not given any formal speeches, presentations, or public statements on topics relevant to the position for which I have been nominated at the time that I submitted the questionnaire to the Committee.

Nomination

37. During or leading up to the selection of your nomination, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President-elect Trump? Did you sign a loyalty pledge or other similar oath?

RESPONSE: No.

38. During or leading up to the selection of your nomination, did you discuss Project 2025 with any officials directly or associated with the Heritage Foundation? If so, please explain.

RESPONSE: No.

39. Please provide a comprehensive list of the people who approached you about joining the administration.

RESPONSE: I am honored to be nominated to join the U.S. Department of Housing and Urban Development. As a civil rights attorney, with years of experience, I look forward to using my experience to protect all Americans from housing discrimination.

40. Did any person provide advice to you, oral or written, on your responses to these questions? If so, please provide a comprehensive list of the individuals or organizations that provided assistance.

RESPONSE: In line with standard practice, I received some assistance in ensuring these questions were completed and returned in a timely fashion.

Congressional Oversight and Whistleblower Protection

41. If confirmed, will you commit to making yourself and any other politically appointed employee of HUD available to provide testimony (including but not limited to briefings,

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hearings, and transcribed interviews) to the Committee on any matter within its jurisdiction, upon the request of either the Chair or Ranking Member?

RESPONSE: If confirmed, I commit to thoroughly reviewing all requests in a timely manner and working with the appropriate colleagues at the Department to fulfill all requirements of the Committee.

42. If confirmed, will you commit to fully complying with all information requests from me and responding to those requests in a timely manner?

RESPONSE: Please see above.

43. If confirmed, do you intend to respond to congressional information requests differently depending on who is making the request?

RESPONSE: If confirmed, I commit to responding to all congressional requests to the best of my ability without regard to who is making the request.

44. If confirmed, will you commit to complying with any federal protections for whistleblowers?

RESPONSE: If confirmed, I commit to complying with all federal laws.

Public Integrity

45. Will you commit to recuse yourself from any matters involving your former employers or clients for 4 years while serving as HUD Assistant Secretary?

RESPONSE: If confirmed, I commit to fully abiding by all ethics laws and protocols.

46. For at least 4 years after leaving HUD, will you not seek employment or compensation from (1) any entity that you personally and substantially interacted with in your role as HUD Assistant Secretary and (2) from any entity that lobbies HUD?

RESPONSE: If confirmed, I commit to fully abiding by all ethics laws and protocols.