

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

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PART A - BIOGRAPHICAL INFORMATION

1. NAME: Robert S. Litt
2. DATE AND PLACE OF BIRTH: Dec. 29, 1949, New York City
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: [DELETED]
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: [DELETED]
6. NAMES AND AGES OF CHILDREN:

<u>NAME</u>	<u>AGE</u>
[DELETED]	[DELETED]
[DELETED]	[DELETED]
[DELETED]	[DELETED]

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Harvard College	1967-1971	A.B.	1971
Yale University	1972-1973	M.A.	1973
Yale Law School	1973-1976	J.D.	1976

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
Hon. Edward Weinfeld	Law Clerk	USDC, SDNY	1976-1977
Hon. Potter Stewart	Law Clerk	U.S. Supreme Ct.	1977-1978
U.S. Department of Justice	Asst. U.S. Atty.	Southern Dist. of New York	1978-1984
Williams & Connolly	Associate, Partner	Washington, DC	1984-1993

U.S. Department of State	Special Advisor to Asst. Secty of State, EUR	Washington, DC 4/93-6/94
U.S. Department of Justice	Deputy Asst. AG, Criminal Division	Washington, DC 6/94-10/97
U.S. Department of Justice	Principal Associate Deputy AG	Washington, DC 10/97-1/99
Arnold & Porter	Partner	Washington, DC 9/99-present

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

See question 8.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

As Deputy Assistant Attorney General in the Criminal Division, I dealt with matters arising out of what were then the Internal Security and Terrorism sections. As Principal Associate Deputy Attorney General, I reviewed FISA applications; participated in the annual covert action review; interacted with components of the intelligence community on requests for opinions, crimes reports and leaks investigations; and attended conferences of lawyers in the intelligence community, among other matters. Since leaving the government, I have represented a number of clients in the intelligence community or in national security related matters; I am a member of the Advisory Committee to the ABA's Standing Committee on Law and National Security; and I have written or given presentations on matters including domestic surveillance, detention and interrogation, and trial of terrorists.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

Department of Justice – Edmund Randolph Award for outstanding service, Feb. 1999
While an AUSA I received a Director's Award for my work in the Brink's Robbery case; this would have been around 1983 or 1984 but I can't recall specifically.

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
American Bar Association	Council Member and Vice Chair, Criminal Justice Section	2004-date

American Bar Association	Member, Advisory Committee, Standing Committee on Law and National Security	2007-date
Temple Sinai, Washington, DC	Board member and officer	2004-date

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT OR TRANSCRIPT. TO THE EXTENT POSSIBLE, PLEASE PROVIDE A COPY OF EACH SUCH PUBLICATION, TEXT, OR TRANSCRIPT):

This list was compiled from what is in my files, from memory, and from an internet search. It includes articles that I co-authored.

Published Articles, Letters, Client Advisories, etc.

Discovery and Criminal Implications in Civil RICO Actions, (PLI 1990).

“Law Enforcement and the Growth of Electronic Commerce,” in R. Fischer ed., Privacy in Electronic Commerce (1997) (as DAAG/CRM).

Issue 37-3 of the American Criminal Law Review contains the transcript of a 1999 debate between me and Prof. Paul Cassell on Dickerson v. United States.

“The Economic Espionage Act: Enforcement and Compliance”, published as materials for the ABA White Collar Crime National Institute (Jan. 2000).

“Formal Bilateral Relationships as a Mechanism for Cybersecurity,” published in materials for a conference on Cybersecurity by CSIS, the Markle Foundation and the Institute of Defense and Strategic Studies, Singapore (March 2002).

“Revised Sentencing Guidelines Increase Jail Time for White-Collar Offenders,” (Jan. 2003), Arnold & Porter Client Advisory, available on A&P website.

“Unsealing the Lawyer’s Lips: The Changing Contours of Attorney-Client Privilege in an Era of Corporate Fraud.” One version of this was presented to the ABA National Institute on White Collar Crime in March 2004; another was published in the newsletter of the ABA Section on Litigation Committee on Criminal Litigation, undated. (Available on A&P website).

“Supreme Court Strikes Down Mandatory Sentencing Guidelines,” Arnold & Porter Client Advisory (Jan. 2005).

“Federal Sentencing Guideline Reform in H.R. 1528,” Arnold & Porter Client Advisory (April 2005).

“A Government Affairs Compliance System,” Arnold & Porter Client Advisory (Jan. 2006).

“A Fake Cisneros Scandal,” Washington Post, (Jan 23, 2006) (op-ed) (Available online; no copy in my possession).

“Corporations Need to Adopt Effective Policies, Procedures to Address Political, Lobbying Activity,” Corporate Counsel Weekly, (Feb. 22, 2006) (Available on A & P website).

“New Rulings Challenge Constitutionality of Government Interference with Corporate Decisions to Advance Legal Fees to Employees,” Arnold & Porter Client Advisory (July 2006).

"Inherent Conflicts in Joint Representation," ABA Criminal Justice Section Newsletter (Winter 2006) (Available on A&P website).

"Department of Justice Revises Policies on Attorney-Client Privilege and Payment of Employee Defense Costs," Arnold & Porter Client Advisory (Dec. 2006).

"Congressional Oversight Investigations: What to Expect and How to Respond," Corporate Counsel Weekly (Jan. 24, 2007). (Available on A&P website).

"Trends in Criminal Enforcement Against Off-Label Promotion," ABA White Collar Crime National Institute (2007). (Available on A&P website).

"Corporate Employees Need Protection From Overzealous Prosecutors," Business Crimes Bulletin (Dec. 2007). (Available on A&P website).

"Do Privacy Rights Extend to International Travelers? Warrantless Border Searches of Electronic Devices," Privacy and Security Law (Feb. 25, 2008). (Available on the A&P website as a client advisory).

"Representing a Client in Congressional Investigations," ABA White Collar Crime National Institute (2008). (Available on A&P website).

"Court Decision and New Department of Justice Guidelines Change the Landscape for Corporate Criminal Investigations," Arnold & Porter Client Advisory (Sept. 2008).

I wrote an article for the American Bar Association's journal *Litigation* on the Hyde Amendment (payment of attorneys' fees for defendants whom government has unreasonably prosecuted). I do not have a copy and do not recall the date of the article.

Speeches, Presentations, Testimony

Testimony before the Subcommittee on Regulation and Government Information, Senate Committee on Governmental Affairs, on the Invention-Promotion Industry (Sept. 2, 1994) (as DAAG/CRM).

Testimony before U.S. Sentencing Commission (March 14, 1995) (as DAAG/CRM).

Briefing of staff of House and Senate Appropriations Committees on Criminal Division activities (April 25, 1995) (as DAAG/CRM).

Testimony before the Subcommittee on Terrorism, Technology and Government Information, Senate Judiciary Committee, on the availability of bomb-making information on the Internet (May 11, 1995) (as DAAG/CRM).

Remarks on Insurance Fraud to conference of Surplus Lines Association (July 25, 1995) (as DAAG/CRM).

Remarks at conference of First Assistant United States Attorneys on domestic terrorism investigations and sentencing issues (August 1995) (as DAAG/CRM).

Testimony at U.S. Sentencing Commission Symposium on Corporate Crime (Sept 7, 1995) (as DAAG/CRM).

Testimony before the Senate Judiciary Committee on Amendments to the False Claims Act (May 14, 1996) (as DAAG/CRM).

Remarks on Fraud Investigations in an Era of Dwindling Investigative and Audit Resources, at PCIE conference (May 22, 1996) (as DAAG/CRM).

Remarks on Federalization of Local Crime at NDAA convention (July 23, 1996) (as DAAG/CRM).

Testimony before U.S. Sentencing Commission (August 12, 1996) (as DAAG/CRM).

Remarks on "Toward Electronic Money & Banking: The Role of Government/Law Enforcement Perspectives." (September 20, 1996) (as DAAG/CRM).

Speech to conference of American Bar Assn and American Bankers Assn. on electronic commerce (October 29, 1996) (as DAAG/CRM).

Testimony before the Subcommittee on Telecommunications, Trade and Consumer Protection, House Committee on Commerce, on cellular phone privacy (Feb. 5, 1997) (as DAAG/CRM).

Testimony before the Subcommittee of Privacy and Confidentiality, National Committee on Vital and Health Statistics, on medical records privacy (Feb. 18, 1997) (as DAAG/CRM).

Testimony before the Subcommittee on Technology, Terrorism and Government Information, Senate Judiciary Committee, on Encryption (March 19, 1997) (as DAAG/CRM).

Testimony before the Subcommittee on Courts and Intellectual Property, House Judiciary Committee, on Encryption (March 20, 1997) (as DAAG/CRM).

Remarks at "Day with Justice" on Encryption (April 21, 1997) (as DAAG/CRM).

Testimony before the Subcommittee on Social Security, Senate Ways and Means Committee (sic on the document) on internet fraud (May 6, 1997) (as DAAG/CRM).

Testimony before the Subcommittee on International Economic Policy and Trade, House Committee on International Relations, on Encryption (May 8, 1997) (as DAAG/CRM).

Testimony before the Subcommittee on Commercial and Administrative Law, House Committee on the Judiciary, on the Apprehension of Tainted Money Act of 1997 (May 14, 1997) (as DAAG/CRM).

Testimony before the Subcommittee on Telecommunications, Trade and Consumer Protection, House Commerce Committee, on Encryption and H.R. 695 (Sept. 4, 1997) (as DAAG/CRM).

Remarks at NHLA/AAHA Healthcare Fraud and Abuse conference on Health Care Fraud (October 30, 1997) (as PADAG).

Testimony before the Subcommittee on the Constitution, Federalist and Property Rights Committee, Senate Judiciary Committee, on Encryption (March 17, 1998) (as PADAG).

Speech at U.S. Chamber of Commerce on law enforcement and the internet (May 12, 1998) (as PADAG).

Remarks on encryption policy at conference of EPIC (June 8, 1998) (as PADAG).

Remarks on U.S. Encryption Policy at the Royal Institute of International Affairs, London (June 22, 1998) (as PADAG).

Panelist on The Prosecutor's Role in Light of Expanding Federal Criminal Jurisdiction, at Fordham Law School (Nov. 6, 1998) (as PADAG).

I did a presentation at the Federalist Society, I believe in 1998, on Encryption. It was published in the Texas Review of Law & Politics, Fall 1999 issue, as "Crime in the Computer Age: The Law Enforcement Perspective."

"Ten Questions About Internal Investigations," Powerpoint presentation at Fifth Annual National Congress on Health Care Compliance (Jan. 2002). Note that I have given versions of this presentation a number of times over the

years. One version of this was published in program materials for a conference of the ABA Section of Litigation Committee on Corporate Counsel in February 2006. One version is available on the A&P website.

Brookings Institution presentation on "Intelligence and Law Enforcement." (April 18, 2002). I have a copy of my notes for that.

I spoke at the Third Annual Medical Device Regulatory, Reimbursement and Compliance Congress in Cambridge, MA on "That's What the Government Wants – What Do You Really Need to Do?" (March 26, 2008).

I participated in a Brookings Institution Judicial Issues Forum panel on "Legal Policy in the Obama Administration" (November 12, 2008). Transcript available.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

I believe that the job of General Counsel to the Office of the Director of National Intelligence requires legal excellence, management skills and the ability to work with people, and a knowledge of the problems facing the Intelligence Community. I have spent over thirty years practicing law, handling a wide variety of complex litigation, counseling and policy matters in private practice and for the government. I have learned how to assist a client in accomplishing what he or she wants within the law, and also the critical importance of telling a client frankly when what he or she proposes is against the law. Drawing lessons I learned clerking for two superb judges, I approach a legal problem by trying to find the right answer based on the facts and the law, rather than trying to find law to justify a predetermined outcome. I am confident that I have a reputation for careful legal analysis, hard work, vigorous but ethical representation of my clients (whether they be private persons or government entities), and sound judgment.

After clerking for Judge Weinfeld in the Southern District of New York and Justice Stewart on the United States Supreme Court, I spent six years representing the United States as a federal prosecutor. I returned to government service in 1993, first for a year as Special Advisor to the Assistant Secretary of State for European and Canadian Affairs, and then as Deputy Assistant Attorney General in the Criminal Division of the Department of Justice and as Principal Associate Deputy Attorney General.

In my government jobs I have interacted with the Intelligence Community both as a consumer of intelligence and as a lawyer dealing with legal problems the community faces. For example:

- I participated in the review and evaluation of numerous applications under the Foreign Intelligence Surveillance Act.
- On a number of occasions I helped evaluate courses of action proposed by components of the Intelligence Community for compliance with U.S. law.
- I helped evaluate crimes reports and requests for leaks investigations.
- I participated in legal conferences of the intelligence community.
- I represented the Department of Justice at the annual interagency review of covert actions.
- I served as the Department of Justice's public and interagency representative on matters of importance to the law enforcement and national security relating to encryption and electronic surveillance, including implementation of the Communications Assistance to Law Enforcement Act (CALEA).
- I helped create and stand up the Department of Justice's Computer Crime and Intellectual Property Section.
- I worked with the Congress on a variety of legislative matters of importance to the Intelligence Community, including provisions relating to the applicability of the law to activities of the Intelligence Community and amendments to the Computer Fraud and Abuse Act.
- I was actively involved in the supervision of several domestic terrorism investigations, including the Unabomber and the Oklahoma City bombing, as well as the government's investigation of al-Qaeda (which led to the pending indictment of Osama bin Laden and others in New York).

- I frequently served as liaison between prosecutors and the Intelligence Community on sensitive issues relating to the use of evidence or prosecutive decisions.

In the years since I left the Department of Justice I have continued to be involved in matters related to the Intelligence Community. While at Arnold & Porter LLP I have represented several employees of the CIA in matters arising out of their employment, some of which are classified, and have dealt extensively on those matters with the CIA and its Office of General Counsel and Office of Inspector General. I have counseled firm clients on matters relating to intelligence and surveillance. I have been active in the American Bar Association's Standing Committee on Law and National Security and have lectured, written or moderated panels on topics such as the prosecution of terrorists, the interplay of surveillance laws and constitutional rights, and the critical issue of cybersecurity.

In general, my experience as a prosecutor (and as a defense lawyer who has represented clients in criminal cases and other investigations that involved classified information) has given me an appreciation of the complex interplay between the criminal justice system and the intelligence community, including the operation of such statutes as FISA and the Classified Information Procedures Act, and of the need to ensure a broad and free flow within the government of information essential to protect the national security, consistent with civil liberties.

At the Department of Justice I was also involved extensively in the important process of Congressional oversight. I testified before various committees of the House and Senate on numerous occasions on a variety of matters, including encryption and the availability of bomb-making information on the internet, and I briefed members of Congress or their staffs on a variety of issues. As noted above I also worked with members and their staff on a wide range of legislative issues, on behalf of the Department of Justice.

An important function of ODNI, and by extension of its General Counsel, is to coordinate and direct the activities of the many agencies that make up the intelligence community. My work at the Departments of Justice and State has acquainted me with many of the tools through which this coordination and direction is accomplished, including the interagency process, budgeting and reprogramming. Moreover, I have developed good working and personal relationships with many individuals in the intelligence community and other government bodies with whom I would be working if confirmed by the Senate. Finally, as a manager both in the Department of Justice and at Arnold & Porter I learned valuable lessons about running an office.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

		<u>Contributions</u>
<u>Committee</u>		<u>Amt.</u>
	1999	
Al Gore		\$250
Bill Bradley		\$250
Democratic Senatorial Campaign Cmte.		\$500
	2000	
Al Gore		\$750
Al Gore		\$250

Paul Sarbanes	\$500
DNC Services Corp	\$2000

2001

Cuomo for Governor	\$500
Arnold & Porter PAC	\$500
Van Hollen for Congress	\$2,000
Reno for Governor	\$1,000
DCCC	\$500
DSCC	\$400

2002

Florida Democratic Party	\$1,000
Friends for Jane Lawton	\$100
Friends of Tom Perez	\$50
Marietta Robinson for Attorney General	\$500
Arnold & Porter PAC	\$500
Van Hollen for Congress	\$2,000
DSCC	\$1,000
DCCC	\$1,000
Mark Pryor for U.S. Senate	\$250

2003

Arnold & Porter PAC	\$700
Van Hollen for Congress	\$2,000
DCCC	\$2,000
DSCC	\$2,000
DNC	\$2,000
Kerry for President	\$500
Matheson for Governor	\$100
Mikulski for Senate	\$1,000

2004

Van Hollen for Congress	\$6,000
Arnold & Porter PAC	\$700
Kerry for President	\$3,000
Matheson for Governor	\$500
Daschle for Senate	\$250
DNC	\$5,000

2005

Arnold & Porter PAC	\$700
Van Hollen for Congress	\$8,400
Friends of Hillary	\$500
Ben Cardin for Senate	\$500
Forward Together PAC	\$500
DCCC	\$1,000
DSCC	\$1,000

2006

Friends of Peter Franchot	\$250
DCCC	\$2,000
Victory Now PAC	\$5,000
Ben Cardin for Senate	\$700
Friends for Jane Lawton	\$100
Friends of Martin O'Malley	\$1,000

2007

Van Hollen for Congress	\$9,200
Obama Exploratory Committee	\$4,600
Arnold & Porter PAC	\$1,400
Obama for America	\$4,600
DSCC	\$1,000
Trauner for Congress	\$100
Victory Now PAC	\$1,000

2008

Arnold & Porter PAC	\$1,400
People for Chris Gregoire	\$1,000
Trauner for Congress	\$200
Victory Now PAC	\$5,000

Notes

My records only go back to April 1, 2001.

For older contributions, I have relied on publicly available sources.

In some instances the committee name may not be exact.

Contributions reflect those of my wife as well.

In 2004, I provided volunteer legal assistance to the Kerry campaign.

In 2006, I provided volunteer legal assistance to the DCCC.

In 2008, I provided volunteer legal assistance to the Obama campaign.

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

From time to time some of my partners have consulted me, relatively briefly, on matters involving the representation of foreign governments:

- In approximately 2007-2008 I helped to moot court one of my partners who represents Israeli government officials who were sued in federal courts in the District of Columbia and New York, on claims arising out of the bombing by the Israeli Defense Forces of a house in Gaza. The lawsuits were dismissed.
- In approximately 2000 I gave advice to partners representing the central bank of a South American country; to the best of my recollection this involved potential litigation to recover funds stolen by a former officials, although my recollection is not firm.
- Since approximately 2006, the Government of Venezuela has from time to time sought advice about how to approach the U.S. Government about counterfeit bonds of that government being marketed in the U.S.; I met on behalf of that government with the U.S. Attorney's Office for the Southern District of New York, which subsequently brought a prosecution.
- In about 2006, one of my partners asked me to consult with the government of an allied nation on whether the disclosure of information classified by that nation might violate U.S. law under the circumstances.
- In 2008 I represented the horse racing authority of a foreign government that wanted advice on U.S. gambling laws in connection with a contract to simulcast races into the United States.

These are the only instances I can recall.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

Arnold & Porter LLP has an active practice representing foreign governments and foreign government-controlled entities, most frequently with respect to financing transactions or international arbitrations, and we have offices in London and Brussels. The firm's records, however, do not specifically identify which clients are foreign

government entities. I have made inquiry of those individuals who I believe have knowledge of our international representations and I have reviewed our firm's filings under the Foreign Agents Registration Act. As a result of that review I am aware of the following foreign government clients of the firm since 1999, in addition to those identified in question 17A above. I cannot be certain that this list is complete. In addition, I have been made aware of several additional matters where we represent foreign governments or foreign government-controlled entities but our representation is confidential and I am not authorized to disclose it. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Office of the DNI's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the DNI's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

Argentina – international arbitration
Bahrain – advice with respect to status of forces agreement
Bosnia/Herzegovina – debt renegotiation
Brazil – financing matters and advice as to potential litigation
Canada (Province of Alberta) – international trade matters
Chile – international arbitration
China (Ministry of Commerce) – international trade matters
Colombia – financing matters and advice regarding free trade agreement
Dominican Republic – international arbitration
Ecuador – international arbitration
El Salvador – financing matters and international arbitration
Ethiopia – intellectual property matters
France (Electricite de France) – international arbitration
Guatemala – international arbitration
Hungary – international arbitration
Israel – financing transactions, litigation and advice on legislation and international trade agreements
Kazakhstan – advice concerning U.S./Kazakhstan relations
Moldova – financing matters
Pakistan – financing matters
Panama – financing matters, intellectual property matters, international arbitration and advice regarding free trade agreement
Romania – financing matters
Saudi Arabia – commercial litigation
Singapore (Infocomm Development Authority) – Regulatory issues
Tanzania (Communications Commission) – Advice on local regulatory matters
Trinidad and Tobago – financing transactions and commercial litigation
Turkey – financing transactions
Venezuela – financing matters, litigation and international arbitration
Yemen – financing matters and litigation advice
Zambia – financing matters and related litigation and arbitration

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

None other than as listed above.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

In 2001-2002, on behalf of the Recording Industry Association of America, I met with members of Congress and/or staff (I cannot now recall which) concerning proposed amendments to the Computer Fraud and Abuse Act and their possible effect on the music industry's anti-piracy efforts.

From approximately 2006 to the present, I have advised the American Bar Association, on a pro bono basis, with respect to regulations implementing amendments to the habeas corpus statute to expedite the process of federal habeas corpus petitions in capital cases where states provide competent counsel for state post-conviction petitions. In that capacity, I met with representatives of the U.S. Department of Justice and provided comments. I also met with some congressional staff in relation to this matter.

I am not including in this response litigation or potential litigation matters.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Office of the Director of National Intelligence's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Office of the DNI's designated agency ethics official and that has been provided to this Committee.

With respect to my current or former clients, I have represented a State Department employee in a criminal matter and currently represent several present and former employees of the CIA in DOJ, congressional and IG investigations. In addition, my law firm represents a number of telecommunications and high-tech companies on matters on which I have been consulted from time to time. Some of these matters have been classified. My law firm also was appointed by the United States Court of Appeals for the Fourth Circuit to represent Zacarias Moussaoui on appeal. In 2007-08 I assisted the lawyers who handled the matter by providing legal advice about the criminal law and by participating in moot courts.

Should a conflict arise, in accordance with the terms of my ethics agreement, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). I also understand that I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein. I am not aware of any potential conflicts of interest not covered under the terms of the ethics agreement or the Ethics Pledge.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

Yes.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

As part of my severance I will receive my capital contribution back, and I expect to receive a pro rata portion of the income that I would otherwise have earned this year, based on the firm's standard partnership agreement. I also have retirement funds in the firm's pension and profit-sharing plans, which are defined contribution plans. I have no other agreements.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

There are no agreements or understandings and I have no specific plans.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

N/A

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

She is employed and her employment is unrelated to the position to which I have been nominated.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
Temple Sinai, Washington, DC	Board Member and officer	2004-date	Self

My wife and I are trustees of trusts set up by my wife and myself for the benefit of each of our children. In addition, I am co-trustee of two trusts of which my mother is currently the beneficiary and my siblings and I are residual beneficiaries .

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None that I recall.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
I will incorporate the SF-278 by reference.		
House in MD [Deleted]	\$1,000,000	Estimate of market value
House in VT [Deleted]	\$450,000	Estimate of market value

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

NATURE OF OBLIGATION

NAME OF OBLIGEE

AMOUNT

I will incorporate the SF-278 by reference.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

[DELETED]

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

For the year 2008, we filed returns in Maryland and Virginia, along with federal returns. I believe that my law firm filed consolidated returns in Colorado, California, New York, the UK and Belgium as well, in which I participated.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

To my knowledge my returns have never been audited or investigated. From time to time I have gotten letters from the IRS proposing changes in my returns. I cannot recall the details of these but they were all relatively minor. My accountant's files contain two such letters, one relating to 2002 and one relating to 2003. Each of these claimed that we had underpaid estimated taxes. In each case my accountant responded and I believe the matters were resolved in our favor. In addition, I was notified by the Virginia State tax authorities that we had failed to attach a copy of our federal return to our 2007 Virginia state return, and we provided that. There may have been other instances that I cannot recall but none would have been substantial. In addition, in 2004 we were notified that our accountant had improperly claimed a credit for long term care insurance on Maryland State Tax returns in two years. We paid the tax due and no penalty was assessed.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

I am licensed to practice in New York, the District of Columbia, and Maryland, as well as numerous federal courts including the U.S. Supreme Court.

I have listed below major clients (which I am considering to be clients to whom I billed more than 100 hours in a single year).

Wyeth Pharmaceuticals
Donald W. Keyser
Samir Vincent
Thomas Bauer
Arthur Andersen
Gilead Sciences, Inc.
KV Pharmaceuticals, Inc.
AstraZeneca, Inc.
Several former law enforcement and intelligence officials as amicus curiae in *Padilla v. Rumsfeld*
Jose Denis
Robert W. Olson
Leo Apotheker
The Recording Industry Association of America

I have worked less substantially for the following clients:

Government of Venezuela

Cyrus Friedheim, Robert Kisting, Carl Lindner, Warren Ligan, Keith Linder, James Riley, Jeffery Zalla, William Tsacalis, Steve Warshaw & Fred Runk

DMTM Partners
PHRMA
Arthur Andersen
Herzog, Fox & Neeman
Alvin Glickman, Inc.
Mark M Richard
State of Israel
VISA USA
Hoffman-LaRoche, Inc.
Ambassador L. Paul Bremer
Newspaper Association of America
Able Laboratories, Inc.
CSX Corporatin
ContentGuard, Inc.
Mark N. Hendrix
Abbott Laboratories
Accenture
EMD
Scott Sullivan
Avon Products, Inc.
Harvard University
Aronson & Co.
Phillip Morris USA
Altria Client Services
Viacom International
Concord Partners LLC
Russell D. Lukas
GlaxoSmithKline
Ruesch International, Inc.
DFDS Transport (US)

In addition, I have represented a number of clients in non-public investigative matters whose identities I am not disclosing because of bar ethical rules.

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No. I do not believe that the position I am nominated for will present substantial conflicts of interest with my holdings. I will consult with the appropriate agency ethics official, and I am prepared to divest myself of individual holdings that are determined to present such a conflict.

37. IF APPLICABLE, ATTACH THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE FORMS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT.

N/A

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

No

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

In approximately 1982, when we lived in New York City, my wife and I brought an action in landlord-tenant court to evict a tenant. The matter was not resolved at the time we sold our house and moved to Washington, DC.

In addition, I was informed that as a partner in my former law firm I was named in a lawsuit against the partnership for age discrimination, as were all of the other partners. The lawsuit did not relate to my individual actions in any way and I do not know the disposition of that matter.

Other than that I am not aware of any such proceedings, although it is possible that there have been such matters involving my present or former law firm of which I am unaware.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

Yes. I have been asked to be a witness in a civil lawsuit now pending in the Superior Court for the District of Columbia between Ullico, Inc., a former client of my firm, and the law firm of Baker Botts. I have also from time to time been interviewed in connection with background investigations conducted of third parties. To the best of my recollection, I was also interviewed by the Department of Justice Office of Professional Responsibility at some point in connection with a leak investigation but I cannot recall the details.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

As noted above, I do not know whether either of the law firms of which I have been a partner has been a party to such a proceeding, but I doubt that there would have been any relevant to the position for which I have been nominated.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PROVIDE DETAILS.

No.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

No.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Congress, acting in particular through the intelligence committees, serves a vital role in oversight of intelligence activities. Section 502 of the National Security Act of 1947 requires the Director of National Intelligence to keep the two intelligence committees "fully and currently informed" of all U.S. intelligence activities (covert actions are more specifically covered in Section 503), including "significant anticipated intelligence activities" and "significant intelligence failures." Like Director Blair, I believe that this notification must be timely to be effective,

and I anticipate that, if confirmed, my responsibilities as General Counsel will include assisting him in carrying out this critical responsibility.

In addition to the reports that are required by law, Congressional oversight more generally helps to ensure that intelligence activities are conducted in compliance with the Constitution and our laws, including protecting the privacy and civil liberties of all Americans. It is my understanding that as the chief legal officer for the Office of the Director of National Intelligence, the General Counsel has a similar, and complementary role, by virtue of his responsibility to assist the Director in carrying out his statutory authority under section 102A(f)(4) of the National Security Act to "ensure compliance with the Constitution and laws of the United States."

Finally, timely and effective congressional oversight can improve the quality of intelligence and the effective, efficient operation of the Intelligence Community. If confirmed as General Counsel, I would expect to assist the Director in ensuring that the Intelligence Community works cooperatively with Congress and the intelligence committees to best protect our Nation, consistent with the Constitution and laws.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103C(d) of the National Security Act provides that "the General Counsel shall perform such functions as the Director of National Intelligence may prescribe." I expect that, if confirmed, my primary responsibility will be to assist the Director in carrying out his responsibility under section 102A(f)(4) of the National Security Act to "ensure compliance with the Constitution and laws of the United States" by the Intelligence Community. In the case of components of the Intelligence Community other than the Central Intelligence Agency, the statute requires the Director to carry out this responsibility "through the host executive departments." Accordingly, I would expect to have regular interaction with the General Counsels of all elements of the Intelligence Community and with Department General Counsels, including discussion of cross-cutting legal issues to help ensure consistency of legal interpretations across the Community.

I would also expect the General Counsel to be a key member of the Director's senior advisory team. By this I mean that I would expect to provide not only legal advice, but also "general counsel" on a wide variety of matters faced by the Director in his role as the principal adviser to the President and the national security leadership, and in his role as the head of the Intelligence Community. For example, it is my understanding that the General Counsel's office, on behalf of the Director in his role as head of the Intelligence Community, prepares the President's proposed annual Intelligence Authorization Act, and is involved in evaluating numerous issues in proposed legislation that could affect intelligence equities. In addition, the General Counsel should have a significant role assisting the Director in carrying out his legal authorities, which arise from the unique interagency nature of the Intelligence Community, to promulgate and implement policies, guidance, and procedures to integrate and further improve the Intelligence Community. Finally, as noted in my answer to Question 48, I believe that the General Counsel assists the Director in responding to Congressional oversight.

I also believe that the General Counsel should take a leadership role in fostering greater collaboration within the Intelligence Community legal community and to promote educational and training opportunities for Intelligence Community attorneys.

Finally, the General Counsel's Office has a primary role in ensuring that the Office of the Director of National Intelligence is operating lawfully, and in dealing with the multitude of legal and ethical issues faced by any agency within the Executive Branch.

AFFIRMATION

I, [Original Signed], DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

MAY 6, 2009 [Original Signed]
(Date) (Name)

COMMONWEALTH OF VIRGINIA:
COUNTY OF FAIRFAX:

[Original Signed]
(Notary)



John Wigle
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 6/20/2010
#324663

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be General Counsel of the Office of the Director of National Intelligence, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

_____[Original Signed]_____
Signature

Date: 5/6/2009