

Statement of Kenneth L. Wainstein
Nominee for Assistant Attorney General for National Security
United States Department of Justice
May 16, 2006

Chairman Roberts, Vice Chairman Rockefeller, Members of the Committee:

I am honored and privileged to come before you today as the President's nominee to be the first Assistant Attorney General for National Security. As a long-time federal prosecutor, I have devoted my career to protecting this nation and its communities against crime and defending our civil liberties. Now, I hope to have the opportunity to continue that service as the AAG for the National Security Division.

When Congress passed the USA PATRIOT Improvement and Reauthorization Act, it created a new National Security Division within the Department of Justice. The new Division combines for the first time all of the Department's primary national security elements: the Counterterrorism and Counterespionage Sections of the Criminal Division, as well as the experts from the Office of Intelligence Policy and Review (OIPR) who specialize in the Foreign Intelligence Surveillance Act (FISA). The Division's creation responds to and completely fulfills a key recommendation of the March 31, 2005, report of the Commission on the Intelligence Capabilities of the United States Regarding

Weapons of Mass Destruction (WMD Commission). The Department is particularly appreciative of your efforts Mr. Chairman, and the efforts of this Committee, to enact the legislation creating this Division and the position for which I have been nominated.

The new Division brings together all the strengths of the Counterterrorism and Counterespionage Sections with OIPR's expertise in FISA, and will enable us to fight threats to our national security more effectively and efficiently. Prevention of another terrorist attack remains the Department's highest priority. The prevention strategy implemented following the tragic events of 9/11 has served the Department well, but it demands constant coordination and information flow. The National Security Division is the next evolution of that strategy; it will improve coordination and unity of purpose against terrorism within the Department of Justice. By consolidating the intelligence lawyers in OIPR with the national security prosecutors in CES and CTS, the Department is now situated to take full advantage of the information flow between law enforcement and intelligence personnel that was authorized by the USA PATRIOT Act. Moreover, by placing those personnel in a single division under one AAG, the Department is positioning itself to drive the changes necessary to continue enhancing our counterterrorism program.

Of importance to this Committee, our integration will also make the Department more responsive to the needs of the Intelligence Community. Having one senior official at DOJ, whose title and responsibilities enable that person to represent DOJ in interagency processes related to national security, is a significant advantage: it provides one point of coordination and one point of

contact for our colleagues in the Intelligence Community. If fortunate enough to be confirmed, I will act as the primary liaison to the ODNI. Indeed, I have already met with senior leadership at the ODNI, and I look forward to fostering that relationship.

Furthermore, the Division will facilitate coordination with Congress and congressional oversight, as it will serve as the central location for congressional inquiries relating to our national security programs.

This reorganization also makes good management sense for the Department of Justice. Prior to this reorganization, no official below the Deputy Attorney General (DAG) had complete responsibility for all the core national security issues that the Department handles. With responsibility for the entire Department, the DAG had many responsibilities besides addressing the myriad national security issues that arise each day. It made sense to consolidate handling of those issues in the hands of a single AAG, who can then provide informed advice and recommendations up the leadership chain.

This new position will be one of challenges, but it will also be one of great opportunity. If confirmed, I look forward to using this opportunity to build on the strong efforts and progress of the past few years, and to explore new ways by which the Department can serve its role as protector of national security and defender of civil liberties.

I have been a Department employee for 17 years, and it has been a tremendous privilege to serve the nation in every position I have held. It will be a particular honor to work with the Department's fine and dedicated

counterterrorism and counterespionage professionals to help ensure the safety and security of our homeland.

In closing, I want to thank the President and the Attorney General for honoring me with this nomination. I am humbled by the trust and faith they have placed in me. I want to assure this Committee that if I am confirmed, I will devote all my energies to the mission of protecting our national security and defending civil liberties and the freedoms that we hold so dear.

I look forward to answering any questions the members of this Committee may have.