

Statement for the Record of Jason Klitenic

Nominee to be General Counsel of the Office of the Director of National Intelligence

Before the Senate Select Committee on Intelligence

January 17, 2018

Chairman Burr, Vice-Chairman Warner, Members of the Committee, thank you for providing me the opportunity to appear before you today as you consider my nomination to be General Counsel of the Office of the Director of National Intelligence.

I also want to thank the President and Director Coats for placing their confidence in me. If confirmed, I commit to working every day to maintain this confidence and to demonstrate to them, and each of you, that I will uphold the highest standards of the office.

With your indulgence, I would like to recognize my family, without whose love and support I would not be here. Joining me today are my mother, Joyce Klitenic, my sister, Jenny Whittaker, my brother-in-law, John Whittaker, my brother-in-law Evan Howell, and my sister-in-law, Helen Wray. I would also like to recognize my sister, Sarah Wear, who is back home with her husband awaiting the birth of their child.

Also seated behind me are four more very important people in my life: my wife of 24 years, Kate, and our three children: Amelia, Clark and Hazel. In a setting such as this it is difficult to explain how grateful I am to my family for their never-ending support.

And thank you to my close friends and colleagues who took time out of their busy days to join us here.

Additionally, I want to remember someone who is not with us today. My father, Earl Klitenic, passed away three years ago. I think about him each day as I strive to live up to the high standards that he and my mother set for me.

By way of background, I grew up in the Washington, DC area, fortunately in a house with parents who loved me and who, from the beginning, taught me the difference between right and wrong, the importance of unyielding integrity and the value of hard work.

My parents also taught me how lucky I am to be an American and that I should never take the attendant freedom for granted. They taught me about patriotism, democracy, security, free speech and the rule of law, and that the role of our government is to keep us safe from harm while protecting the civil liberties that enable us to live in a free, open and diverse society. Millions of people throughout the world suffer under regimes that provide neither security nor freedom. Here, we are blessed to have both.

My parents also taught me the importance of public service. They were career government civil servants. My father served in the Department of Defense, the Justice Department and the United States Information Agency. Before retiring, my mother spent the bulk of her career at the Justice Department, where she served in the Office of Intelligence Policy Review and, after its creation, the National Security Division.

Following in my parents' footsteps, I have had the privilege to serve both in the Justice Department and the Department of Homeland Security. I have been among and around the national security community throughout my life, both personally and professionally.

I have the highest regard for the men and women who serve in the intelligence community. Both in private practice and while serving in government, I have had the opportunity to work closely with the people who protect us from our adversaries and, in doing so, preserve our values as a nation. These people, who work outside the limelight and beyond the scope of credit and accolades, each day perform their jobs with discipline, attention to detail and unrelenting dedication to the mission. If confirmed, it would be an honor for me to serve with them again on behalf of our country.

My past experience has prepared me well for this position. During my tenure at DHS and DOJ, I worked on complex legal issues involving counterterrorism, cyber security, data privacy and government-wide information sharing initiatives—work that I believe helped keep this nation safe while preserving our civil liberties. Through my past government service I also gained significant management experience and became adept at navigating the inter-agency processes that are integral to the effective functioning of our government. In all this work, I stressed the importance of working together across the government to do what was lawful and what was right. Once public service is in your blood, you can never truly step away from it.

In private practice I lead my law firm's Homeland Security Team and continue to work closely and collaboratively with the people who serve in our national security agencies.

The General Counsel position for which I have been nominated is, of course, a legal position—an important legal position. If confirmed, my allegiance would be to the Constitution and my vow would be to uphold the rule of law. Based on my prior government experience, I am keenly aware that legal advice cannot be given in a vacuum. By that I mean that while I may be opining on a legal issue within the safe and comfortable confines of a headquarters office, the ultimate end consumer of my advice might be a career analyst or operator in the field.

When I render legal advice I will be thinking of people whom I may never meet but who are relying on my views in the course of performing difficult and dangerous jobs on behalf of our country. I never want to fail those people. It is important to me that they be able to rely upon legal advice with the full confidence that it is timely, clear, actionable and fully supported by law—there is no corner-cutting in this line of work.

I also believe strongly in my responsibility, if confirmed, to keep the Congress fully and currently informed and my responsibility to support your oversight over the IC. The IC's unique missions are often practiced in secrecy, to protect critical sources and methods in support of our national security.

That secrecy makes my relationship and engagement with this Committee all the more important. I pledge to build open relationships of trust with this Committee and your House counterparts, as I recognize the critical role that you play in representing the American people for these sensitive matters.

In closing, I want to stress that, if confirmed, I would very much look forward to working with each of you and your staffs. I am mindful of this Committee's important oversight role and I would hope that you would find me to be a trusted resource and dependable public servant.

I look forward to answering your questions.