

Opening Statement of David S. Kris  
Nominated as Assistant Attorney General for National Security  
Before the Senate Select Committee on Intelligence  
March 10, 2009

Madame Chairman, Vice Chairman Bond, and distinguished Members of the Committee, it is an honor to appear before you. I am grateful to President Obama for nominating me, to Attorney General Holder for supporting me, and to the Committee for considering me. I also appreciate the Members who met with me prior to this afternoon.

In my opening statement before the Judiciary Committee two weeks ago, I identified three procedural issues, and three substantive issues, on which I hope to focus if confirmed, subject to the important caveat that I remain an outsider, without detailed knowledge of certain classified and operational matters. At the risk of repetition for the Members who serve on both Committees, I thought I would mention those issues again, and then devote the balance of my time to discussing what I see as the special and vital oversight role of this Committee.

The three procedural issues I identified are (1) continuing to strengthen internal connections among NSD's various components; (2) focusing on NSD's relationships with the NSC and the Intelligence Community; and (3) continuing the positive evolution of NSD's working relationship with the FBI. My answers to some of your questions for the record address these issues in more detail.

The three substantive issues I identified are (1) Guantanamo Bay; (2) the FISA Amendments Act; and (3) the new FBI Domestic Operations Guidelines. Again, my answers to questions for the record discuss these matters in more detail, and I am happy to discuss them here if there are additional questions.

When I went before the Judiciary Committee, I said that I wanted to respond appropriately and quickly to Congressional oversight, and maintain strong, cooperative relationships with it and with other Committees. I want to say the same thing, with emphasis and elaboration, before this Committee.

While I have not studied all of the history and law of intelligence oversight, I do understand its fundamental importance to our Democracy. And I especially appreciate the critical role of this Committee (and its counterpart in the House of Representatives) in helping to resolve the tensions that sometimes arise from the need to protect classified sources and methods in a system of government that rests fundamentally on the knowledge and consent of the governed.

Americans count on the Committee to provide oversight that the public cannot provide. The Committee, in turn, cannot fulfill that function unless we fulfill our requirement to keep it "fully and currently" informed. As Director Panetta said, this is not optional; it is the law; it is our solemn obligation. So I want to join Director Panetta, and Admiral Blair, in expressing my desire to rebuild a close working relationship with the Committee. I think this will be good for Democracy, and also good for NSD – there is a lot of expertise in this hearing room. We may

not always agree on everything, and I know that you will question, challenge, and hold us accountable when appropriate, but I am quite sure that we are at our strongest, and our best, when we work together, and if confirmed I look forward to doing that.

Again, I want to thank the Committee for holding this hearing. I would be pleased to answer your questions. Thank you.