

Kenneth L. Wainstein

January 29, 2009

VIA EMAIL AND FIRST CLASS MAIL

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Leahy, Ranking Member Specter and Judiciary Committee Members:

I write this letter in support of the nomination of David Kris for the position of Assistant Attorney General for National Security. I served in that position from 2006-2008, and I therefore have an appreciation for the demands of the job and the qualities that are needed to meet those demands. Having known David for over seven years and having seen him in a variety of roles and settings in the public and private sectors, I can say with complete confidence that David exhibits all of those qualities and that he would serve with great distinction as the leader of the National Security Division.

David has extensive experience and expertise in national security law and practice. He served for three years as the national security Associate Deputy Attorney General; he contributed significantly to the litigation in the Foreign Intelligence Surveillance Court of Review to eliminate the legal and procedural "wall" that had handicapped our counterterrorism efforts by segregating our law enforcement operations from our intelligence activities; he is a respected professor of national security law; and he is one of the leading scholars and commentators on the Foreign Intelligence Surveillance Act and national security investigations.

David would bring an understanding that the National Security Division must support the criminal prosecution of national security threats as well as the intelligence operations directed against those same threats. He recognizes that these are complementary aspects of our national security program; that both are necessary to maximize our defenses against spies and terrorists; and that the National Security Division plays a vital role in calibrating and coordinating the part that each plays in any particular investigation.

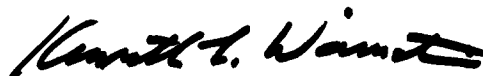
David has a keen appreciation for the imperative that our national security program always operate within the relevant Constitutional, legal and regulatory limits. He recognizes that operational effectiveness can co-exist with rigorous oversight, and he is a strong supporter of the existing oversight mechanisms within the Department and the

Executive Branch. He also has expressed his appreciation for the importance of Congressional oversight -- particularly as it relates to the conduct of intelligence activities -- and he recognizes the need to maintain open channels of communication between the National Security Division and its oversight committees.

I also want to emphasize that David is -- and is perceived as -- completely non-partisan in his approach to national security work. Given the nature of the Division's work and the scrutiny it receives, it is vitally important that the Assistant Attorney General is perceived as operating without regard to politics and that his or her decisions are based solely on the needs of the country. David has worked for administrations of both political parties, and he has numerous supporters from both sides of the aisle. He has the reputation of a non-partisan professional, and that reputation will serve him well as he addresses the sensitive issues that arise with frequency in the job for which he has been nominated.

In sum, I have complete confidence that David would be a very effective Assistant Attorney General and that his service would be a credit to the Department and the Nation. Please do not hesitate to contact me if I can provide additional information that would assist the Committee in its consideration of his nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth L. Wainstein". The signature is fluid and cursive, with a prominent "K" and "W".

Kenneth L. Wainstein

WILMERHALE

Seth P. Waxman

January 29, 2009

By Hand

The Honorable Patrick Leahy
Chairman, Senate Judiciary Committee
433 Russell Office Building
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member, Senate Judiciary Committee
711 Hart Office Building
Washington, DC 20510

Re: Nomination of David S. Kris to be Assistant Attorney General for
the National Security Division

Dear Chairman Leahy, Ranking Member Specter, and Members of the Committee:

I write enthusiastically to endorse the nomination of David S. Kris to be
Assistant Attorney General for the National Security Division.

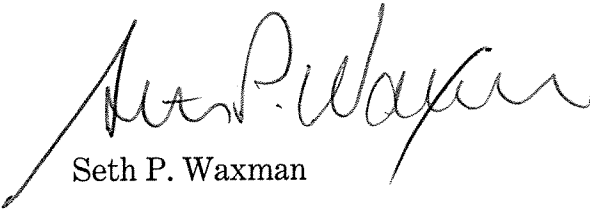
David and I worked together at the Department of Justice throughout my
almost-seven-year tenure at the Department. Over that period, I came to know David's
work both when he was a highly valued attorney in the Criminal Division and when he
served as Associate Deputy Attorney General with responsibility for national security.
I have the highest respect for his abilities and for his dedication to the Department of
Justice as an institution.

David is genuinely a perfect nominee for this critical position. His experience on
national-security issues derives from both his distinguished government service (in
both the Clinton and Bush Administrations) and his widely respected scholarship. He is
smart, hardworking, and a delight to work with. David has tremendous judgment, and
he knows what it means truly to represent the interests of the United States –
balancing the imperatives of national security and civil liberties, and harnessing
appropriately the synergies between law-enforcement and intelligence.

Page 2

I could readily go on and on. Let me simply underscore that he has my unqualified support, and I hope very much that you will see fit to recommend his speedy confirmation.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Seth P. Waxman". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Seth P. Waxman

Stewart A. Baker
Washington DC 20006

January 29, 2009

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I am writing in support of David Kris's confirmation as Assistant Attorney General for National Security.

I have just completed three and a half years as the Assistant Secretary for Policy in the Department of Homeland Security under President George W. Bush. Before that, I had an active practice in the field of national security, law enforcement and technology, all growing out of my experience as General Counsel of the National Security Agency during the presidencies of George H.W. Bush and Bill Clinton. In that capacity, I came to know David Kris well. He was an acknowledged expert in my field, at a time when few knew anything about FISA, national security law, and its relationship to emerging technology.

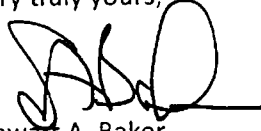
David is a careful, thoughtful student of national security law. I support him for this high office because I am confident that he believes that the rule of law is consistent with an aggressive pursuit of the national security interests of the United States. No doubt there are issues on which we disagree, but I have every confidence in David's willingness to be fair-minded in evaluating the legal issues that will come before him.

I was the General Counsel of the WMD Commission that recommended creation of the National Security Division, and I am pleased that the President has nominated such a well-qualified lawyer to lead it. David has the background and attributes necessary to turn the Division into the force that it should be within the Department of Justice and the Executive Branch. He has the background and temperament to make sure we do not have another fatal division between law enforcement and intelligence, to build an effective partnership with the FBI's national security branch, and to ensure that the United States maintains a lawful and effective response to terrorism and other national security challenges.

One last point: as the 9/11 Commission reminded us, delays in confirming uncontroversial nominees meant that only many members of President Bush's national security team had been on the job only a few weeks when the terrorist threat was building in August and September of 2001. The Commission said, quite correctly, that we cannot afford such a laggardly pace in the future. It recommended that votes to confirm or reject national security nominees occur within 30 days of nomination. Now is the time to set a new tradition for such positions. For that reason, I urge you in the strongest possible terms

not just to confirm David Kris but to do so as promptly as possible. As the 9/11 Commission emphasized, we cannot afford months of drift in such a critical position.

Very truly yours,

A handwritten signature in black ink, appearing to be 'SAB', with a long horizontal stroke extending to the right.

Stewart A. Baker



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

DANIEL MARCUS

Phone: [REDACTED]

E-mail: [REDACTED]

January 30, 2009

Chairman Leahy
Ranking Member Specter
Members of the Senate Judiciary Committee
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Committee:

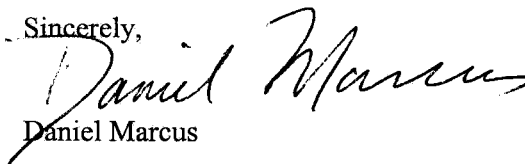
I am writing in support of the President's nomination of **David S. Kris to be Assistant Attorney General for the National Security Division**. I first met Mr. Kris when I served as Associate Attorney General in 2000-2001, and I have been in close contact with him since then because of our mutual involvement in national security issues. (I served as General Counsel of the 9/11 Commission and have taught National Security Law at the Washington College of Law, American University for the last four years.)

I can think of no-one better qualified by experience, intellect, and integrity for this important position at the Department of Justice at this critical time. Mr. Kris is a splendid example of the dedicated career Justice Department lawyer who rose to a key position in the Department - as Associate Deputy Attorney General for national security matters from 2000-2003. In the process, he gained the respect and admiration of the senior leadership of the Department in the Clinton and Bush Administrations, including Attorney General Reno and Deputy Attorney General Holder and Attorney General Ashcroft and Deputy Attorney General Thompson. During this crucial period (including the months following the 9/11 attacks), Mr. Kris worked closely and effectively with the intelligence community (including the CIA, NSA, and FBI), law enforcement agencies, the National Security Council, and the Foreign Intelligence Surveillance Court. And after leaving the Government for the private sector in 2003, he has continued to participate actively in the field, through his writings, teaching, Congressional testimony, and professional conferences. Mr. Kris is widely recognized in the profession and the academy as our leading expert on the Foreign Intelligence Surveillance Act and the recent statutes amending the Act.

I have gotten to know David Kris quite well during the last few years. I can assure the Committee that he has the personal qualities of honesty, integrity, and devotion to the ideals of our nation and our legal system that we look for in public officials. He is intimately familiar with the Department and the intelligence community and has the leadership and advocacy skills that will enable him to deal effectively with the rest of the President's national security team.

I urge you to recommend his confirmation to the full Senate.

Sincerely,



Daniel Marcus

WASHINGTON COLLEGE OF LAW

4801 MASSACHUSETTS AVENUE, NW SUITE 467 WASHINGTON, DC 20016-8181 202-274-4000 FAX: 202-274-4130

Michael Chertoff



January 30, 2009

VIA REGULAR MAIL

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter and Members:

I am writing to give my strong support to the nomination of David S. Kris to serve as Assistant Attorney General for National Security.

As you know, I was Assistant Attorney General of the Criminal Division from 2001-2003. At that time, my responsibilities included those currently assigned to the National Security Division (which then did not exist). Accordingly, I am very familiar with the nature of the position for which Mr. Kris is being nominated.

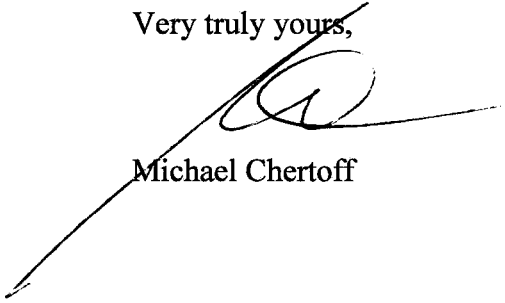
During my tenure at the Justice Department, I worked regularly with David as he served in the office of the Deputy Attorney General. Generally, our area of focus involved national security law, policy and legislation.

During my tenure, I observed David to be an outstanding attorney with excellent judgment, strong knowledge of the national security subject matter and a balanced viewpoint. While evenly tempered, David is deeply committed to the Department of Justice in which he served for a decade. He is polite but firm in "doing the right thing." I respect him as a professional and think his background and experience make him ideally suited to lead the National Security Division.

Finally, David's close working experience with the FBI will be a particular asset in the position for which he has been nominated.

I strongly support David's nomination. Please contact me if I can assist you with this matter.

Very truly yours,



Michael Chertoff

February 1, 2009

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter and Members of the Judiciary Committee:

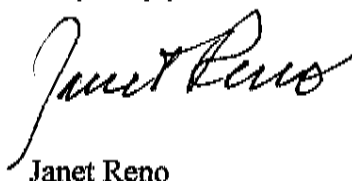
I am writing to support the confirmation of David S. Kris as Assistant Attorney General for National Security. I first met David when he was assigned to work on the prosecution of the Montana Freeman, a domestic terrorist group, in the 1990s. In 2000, he became an Associate Deputy Attorney General, where he worked with me and the Deputy Attorney General, Eric Holder, on intelligence-sharing and other national security matters.

David is a professional, with expertise in both national security and criminal justice. He is a lawyer's lawyer, with a strong analytic mind, but he also has operational experience, having been tempered by the crucible of September 11 and its aftermath.

He appreciates the importance of both liberty and security, and when there is a choice to be made between these competing values, he calibrates that choice in a thoughtful, balanced, and open manner. David is a lawyer who never forgets that his client is the United States, regardless of which political party is in power. He held important leadership positions at DOJ in the Clinton and Bush administrations, and received the Department's highest citation – the Attorney General's Award for Exceptional Service – from me and from John Ashcroft.

David loves the Department of Justice as an institution, and cares deeply about its people, having begun his career in the Honors Program. He has integrity, judgment, and expertise. I believe he would make an excellent Assistant Attorney General for National Security.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janet Reno", written in a cursive, flowing style.

Janet Reno

February 2, 2009

Jamie S. Gorelick

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

(t)
(f)

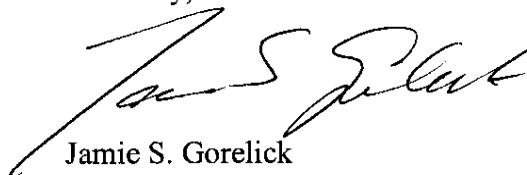
Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I am writing to support the confirmation of David Kris to lead the National Security Division at the Department of Justice. Uniquely, David brings the perspective of having served at the highest levels in the Department of Justice across the Clinton and Bush Administrations, contributing mightily through the most difficult period, post-September 11, 2001. He can bring to bear concrete knowledge of the authorities and the checks and balances necessary to keep us safe and free. He understands the challenges the Department faces in this area. If there need be any proof of this, it can be found in his comprehensive treatise on the subject of national security law. He is clearly the leading scholar and commentator in this area.

I have known David since 2004, when his expertise was brought to bear in connection with the work of the 9/11 Commission on which I served. Since then, I have consulted with him whenever I have been asked a difficult question on the subject of national security law. I have also seen David as a lawyer in the corporate arena, where he conceived of and implemented a world-class compliance program at TimeWarner. He is an excellent listener, a decisive executive, and a man who combines deep intellect and deep moral character.

It is hard to imagine a better steward for the National Security Division than David Kris. I endorse his confirmation without hesitation.

Sincerely,



Jamie S. Gorelick

John B. Bellinger, III

February 2, 2009

The Honorable Patrick Leahy, Chairman
The Honorable Arlen Specter, Ranking Member
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

I am writing to support the nomination of David S. Kris as Assistant Attorney General for the National Security Division of the Department of Justice.

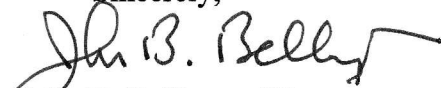
I worked very closely with Mr. Kris from 1997 until 2003, while Mr. Kris served in the Criminal Division of the Department of Justice and subsequently as Associate Deputy Attorney General. During this period, I served as Counsel for National Security Matters in the Criminal Division from 1997-2001 and subsequently as Legal Adviser to the National Security Council from 2001-2005. I subsequently served as Legal Adviser to the Secretary of State from 2005-2009, and I had previously served as Special Counsel to the Senate Intelligence Committee in 1996.

Based on these experiences, I can confidently say that I believe that there is no more qualified person to serve as Assistant Attorney General for the National Security Division than Mr. Kris. He possesses an unparalleled knowledge of intelligence and law enforcement laws and policies, especially with respect to foreign intelligence surveillance and wiretap laws. He has worked closely with the Intelligence Community, the Departments of State and Defense, and the National Security Council. While I served as Legal Adviser to the National Security Council, I placed great trust in Mr. Kris's judgment and counsel. While we served together at the Department of Justice, he was deeply respected by colleagues in all parts of the Department, including the Federal Bureau of Investigation, for his expertise, pragmatism, impartiality, and good humor. I personally know him to be a calm, non-partisan, and hard-working lawyer of the greatest integrity, who is capable of analyzing and balancing the requirements of national security and civil liberties.

Mr. Kris will also be an important resource for the Committee as it carries out its legislative and oversight functions. He has previously testified before Congress on a number of occasions, and the Committee will be able to rely on his expertise, candor, and integrity.

I strongly urge the Committee and the full Senate to approve Mr. Kris's nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Bellinger, III". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John B. Bellinger, III

February 2, 2009

United States Senate
Committee of the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: David S. Kris

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I am writing to support the nomination of David Kris to be Assistant Attorney General for National Security.

I am Chairman of McGuireWoods and have worked with David Kris very closely while he was Senior Vice President and Deputy General Counsel of Time Warner Inc. Previously I served as United States Attorney for the Eastern District of Virginia after being appointed by President George H.W. Bush and as Attorney General of Virginia appointed by Governor George Allen.

David Kris is one of the brightest lawyers with whom I have dealt. But more importantly, he has tremendous judgment, is thoughtful, and possesses the highest integrity. As an American and someone who is more identified with Republican administrations than Democratic ones, I was extremely pleased to learn that David Kris was being nominated for such a vitally important position as Assistant Attorney General for National Security. In our past discussions with him about national security, I have learned that David is pragmatic, thoughtful, respects liberty and security, and is essentially apolitical. From our past experiences I know that he is not afraid to make tough decisions, will never shy from speaking the truth to the Deputy Attorney General, the Attorney General, and to Congress. I have every confidence that the career attorneys and staff at the Department of Justice will be very pleased to work under such a professional as David Kris.

February 2, 2009

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In summary, I believe that David Kris is the right person for what I believe is one of the most important nominations the President will make. I hope your Committee will recommend that he be confirmed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Cullen". The signature is fluid and cursive, with the first name "Richard" and last name "Cullen" clearly distinguishable.

Richard Cullen

RC:ngp

BROOKINGS

1775 Massachusetts Avenue, NW
Washington, DC 20036

telephone 202.797.6000

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web brookings.edu

February 3, 2009

Chairman Patrick Leahy, Ranking Member Arlen Specter
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I write in strong support of the President's nomination of David S. Kris to be Assistant Attorney General for the National Security Division. I met Mr. Kris in 2002, when he was last in government and I was a working journalist, and I have worked with him over the years since in a variety of capacities: I helped recruit him to the Brookings Institution, where he has served as a non-resident senior fellow, and he has contributed energetically to a paper series I edit on the statutory architecture of American counterterrorism efforts. I am familiar with his work both in and out of government and can say without reservation that nobody in the United States is better qualified to lead the National Security Division.

Mr. Kris brings a unique combination of experience and an unusual degree of non-partisan credibility to the National Security Division. It is no accident that praise for his treatise on national security law has come from across the political spectrum; the diverse admiration for it, rather, reflects Mr. Kris's depth of scholarship, political independence, and granular experience of the operation of national security investigations and litigations. I knew Mr. Kris well for several years before I had any inkling as to his political views. He could work at the upper echelons of the Justice Department in the prior administration—as he did in the one before that. During a period in which Washington has become polarized on the very issues on which he works, Mr. Kris has engaged constructively with all sides, finding common ground with and incisively critiquing voices across the political map. He has consistently put craft above politics both in his career in government and in his commentary and scholarship.

Mr. Kris's diversity of experience also bears emphasis. Though not an academic, he is the leading scholarly authority on the Foreign Intelligence Surveillance Act. He has worked on the policy side of national security law. He has also prosecuted cases and given legal advice to FBI investigators in high stakes cases. He was instrumental in the government's 2002 appeal to the Foreign Intelligence Court of Review, which resulted in a large step towards breaking down the "wall" between intelligence and law enforcement investigations. Judge Laurence H. Silberman, who served on the FISA Court of Review at the time of this litigation, has described Mr. Kris's treatise as "bridging the gap between theory and practice." It is an apt account of Mr. Kris's career more broadly.

Mr. Kris, to put it simply, has devoted most of his professional life to protecting American national security and the civil liberties of Americans—precisely what the National Security Division was created to do. It is hard to imagine anyone better qualified—in background, temperament, experience, and depth of thinking—to lead it than he.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Wittes". The signature is fluid and cursive, with the first name "Benjamin" written in a larger, more prominent script than the last name "Wittes".

Benjamin Wittes

Senior Fellow and Research Director in Public Law

[REDACTED]
February 3, 2009

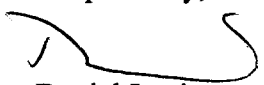
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I am writing to express my strong support for David Kris for the position of Assistant Attorney General for the National Security Division. I worked with Mr. Kris when he was an Associate Deputy Attorney General and can say without hesitation that he is an outstanding selection for this important position and one who will serve with distinction.

Mr. Kris is a brilliant lawyer whose knowledge of national security law is unparalleled. He is also an individual of the utmost integrity and is well respected throughout the Department of Justice and the intelligence community. He is able to balance the needs of the intelligence community and the important civil liberties concerns implicated by actions in this area. He also understands the agencies involved and is well positioned to serve as an honest broker in helping resolve the disputes that inevitably arise between and among them. I cannot imagine a better or more qualified choice for the position. If you or your staff have any questions please do not hesitate to contact me at [REDACTED].

Respectfully,


Daniel Levin

ROBERT S. LITT



February 3, 2009

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the
Judiciary Committee:

I believe there has rarely been a better qualified candidate for the position to which he has been nominated than David S. Kris for the position of Assistant Attorney General for the National Security Division. I hope that he will be swiftly confirmed to this position that is so central to protecting our Nation.

I have known David personally and professionally for over ten years. I first met him when he was a young lawyer in the Appellate Section of the Criminal Division, and even in that group of great lawyers, he stood out for his insight, thoughtfulness, balance, and lucidity. As a result, he was frequently relied upon for critical and sensitive matters, and his work was consistently outstanding.

David's three years as Associate Deputy Attorney General, both before and after the awful attacks on September 11, have given him a thorough knowledge of the nature of the dangers we face and of the tools that the Justice Department employs to combat those dangers. It is not an exaggeration to say that there is no one in the country who better understands the Foreign Intelligence Surveillance Act. He has thought and written extensively about these issues, and his work is relied upon by virtually everyone who works in this field. He is widely respected within the Federal Bureau of Investigation and the entire intelligence community, and I believe he is equally respected by Members of Congress and their staff.

Committee on the Judiciary

February 3, 2009

Page 2

One of the reasons David is so well-regarded is that he is fair and non-partisan. He is neither ideological nor political; he served in the Deputy Attorney General's office with distinction in both the Clinton and Bush Administrations. He appreciates the importance both of strong intelligence capabilities, and of privacy and civil liberties, and of the need to balance them. He is a person of complete integrity who believes strongly in the Department as an institution. Perhaps most importantly today, he understands that all activities of the Government must be governed by the rule of law.

By virtue of David's ability, knowledge, judgment, and experience, I firmly believe that our Nation would be exceptionally well served were he confirmed as Assistant Attorney General. I urge his confirmation.

Very truly yours,

A handwritten signature in dark ink, consisting of stylized, overlapping loops and strokes, likely representing the name Robert S. Litt.

Robert S. Litt

RONALD D. LEE

V [REDACTED]

February 3, 2009

Chairman Patrick J. Leahy
Ranking Member Arlen Specter
Members of the Senate Judiciary Committee
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I write in enthusiastic support of President Obama's nomination of David S. Kris, of Maryland, to serve as the Assistant Attorney General, National Security Division, U.S. Department of Justice. This position is at the core and the crossroads of our nation's continuing efforts to achieve greater collaboration, information-sharing, and effectiveness across the national intelligence, law enforcement, homeland security, and public safety communities while enhancing our commitment to the rule of law under the Constitution and laws of the United States. I am confident that Mr. Kris is well-qualified by character, experience, training, and temperament to meet these challenges and that he will ably fulfill the duties entrusted to him.

For the purpose of identification only, I am a partner at Arnold & Porter LLP in Washington, D.C., practicing in the areas of national security and government contracts and data security and privacy. As an Associate Deputy Attorney General in the Department of Justice from 1998 to 2000, I met and worked with Mr. Kris, first when he was a trial attorney in the Criminal Division of the Department of Justice and then when he moved to the Office of the Deputy Attorney General, also serving as an Associate Deputy Attorney General. Mr. Kris achieved important results in some of the most difficult issues in law enforcement, national intelligence, counterterrorism, and counterespionage because of his law enforcement background, rapid mastery of national security authorities, investigations, and processes, and ability to lead people with very different agency perspectives toward agreement. The challenges of bringing the law enforcement and intelligence communities closer together while safeguarding civil liberties of course intensified, although they did not

Chairman Patrick J. Leahy
Ranking Member Arlen Specter
Members of the Senate Judiciary Committee
February 3, 2009
Page 2

change in character, after the terrorist attacks of September 11th. Based on publicly available information, Mr. Kris made valuable and essential contributions to the protection of our nation and to the rule of law during his tenure at the Department of Justice.

Since leaving the government in May 2003, Mr. Kris has been an insightful Congressional witness, commentator and scholar on important national security topics. His work at AOL Time Warner has deepened his understanding of the private sector's important role and perspectives in law enforcement and national security matters. He has acquired a wide-ranging knowledge of the areas under the responsibility of the Assistant Attorney General, National Security Division.

Mr. Kris is a talented colleague, leader, and supervisor. He treats his colleagues with fairness and respect. He is easy to work with. His devotion to the Constitution and the law, and his respect for the roles of the Congress and the judiciary under the Constitution, his integrity, and his ability to safeguard the nation's national security information are well-established and beyond question.

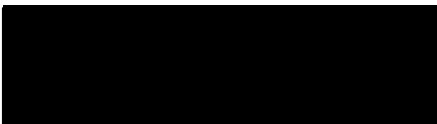
In summary, if confirmed by the United States Senate, Mr. Kris will serve the U.S. Department of Justice and our nation with distinction and integrity. I hope that the Committee will act favorably and quickly on his nomination.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald D. Lee". The signature is fluid and cursive, with the first name "Ronald" being more prominent and the last name "Lee" following in a similar style.

Ronald D. Lee

Kate Martin



February 4, 2009

Chairman Leahy,
Ranking Member Specter, and
Members of the Senate Judiciary Committee
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of David Kris

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I write to strongly support the confirmation of David Kris to be the Assistant Attorney General, National Security Division, Department of Justice. I have known Mr. Kris for several years, have discussed and debated the law, national security and government operations with him and carefully read many of his writings and speeches. I am the Director of the Center for National Security Studies, a civil liberties think tank and advocacy organization. I have spent the last twenty years as a lawyer, analyst, and writer on issues relating to national security and civil liberties, always starting with the premise that both national security and civil liberties interests must be protected and that they can and must be reconciled.

I came to know Mr. Kris mostly through my work on government surveillance issues since 9/11. I first met him when he was with the Department of Justice and have appeared before committees when he was also testifying. I have closely followed his views on national security issues, including surveillance under the Foreign Intelligence Surveillance Act. His treatise on National Security Investigations is an invaluable resource as a clear and objective analysis of that very complex statute. I've had the pleasure of many in-depth discussions with him concerning legal intricacies and broader policy questions. Sometimes, we have disagreed about what the law should be or what the Constitution requires. We have agreed more often about what questions should be asked on a particular controversy. We have always agreed on the importance of respect for the Fourth Amendment, transparency and accountability in government, and government officials' responsibility to follow the law.

I strongly support Mr. Kris' confirmation as I believe that he would do a superb job as head of the National Security Division at the Justice Department. I know him as a

lawyer committed to following the law, protecting civil liberties and working for the security of our country. He is extremely conscientious and very smart. I believe that he would consider carefully the civil liberties concerns that arise in connection with many activities by the Division and that he would do his best to address those concerns, although I might not always agree with the final decision. I believe he would help restore the role of the Department of Justice as a voice within the Executive Branch for civil liberties and respect for the law. I believe that he would work to insure the greatest transparency possible consistent with national security interests, understanding both the necessity for public understanding of and trust in government and the necessity to keep secret particular information. I am certain that he would follow the law and have no hesitation in demanding that others do the same.

Thank you for considering my views. I would be happy to offer whatever further information might be useful. I can be reached at 202-669-7961 or the above e-mail address.

Respectfully,

A handwritten signature in cursive script, appearing to read "Kate Martin", followed by a long horizontal flourish line.

Kate Martin



PEPSICO

700 Anderson Hill Road Purchase, New York 10577
Tel. (914) 253-3633 Fax (914) 253-3051

LARRY D. THOMPSON
SENIOR VICE PRESIDENT, GOVERNMENT AFFAIRS
GENERAL COUNSEL AND SECRETARY

February 4, 2009

Chairman Leahy, Ranking Member Specter
And Members of the Senate Judiciary Committee
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter and
Members of the Senate Judiciary Committee:

I am writing to strongly support the nomination of David S. Kris to be Assistant Attorney General for National Security. David is uniquely qualified for this important position. His experience in the Department of Justice and with national security issues is deep and extremely relevant to our times.

When I became Deputy Attorney General in May of 2001, I asked David to remain as an Associate Deputy Attorney General and become my chief advisor on FISA and related national security matters. Why did I do so? When I interviewed David, I found in him a professional who was thoughtful and balanced. He had a passion for national security issues but also a deep respect and appreciation for the related civil liberties concerns. David also has experience testifying before Congress on national security issues and clearly understands the role of Congressional oversight in this area.

We are fortunate that a lawyer of David's caliber will once again offer himself for public service.

Sincerely,

RANDOLPH D. MOSS



February 5, 2009

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of David Kris to be Assistant Attorney General

Dear Chairman Leahy, Ranking Member Specter, and Members of the
Senate Judiciary Committee:

I write to offer my enthusiastic endorsement for the nomination of David Kris to
serve as the Assistant Attorney General for the National Security Division.

I have known David for many years, in many different contexts. I first got to
know David during the time that he served in the Criminal Division, where David was a
legend for the speed and care with which he worked. I then had the privilege of working
with David while he served as an Associate Deputy Attorney General—with
responsibility for national security matters—and I headed the Office of Legal Counsel.
Most recently, I have had repeated occasions to discuss various legal issues with David
in his capacity as one of the Nation's leading experts on national security law.

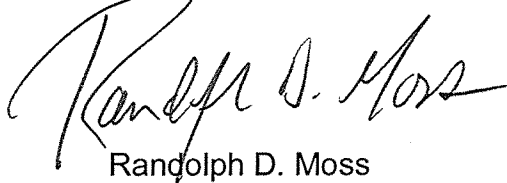
It is difficult to imagine someone better equipped to lead the Department of
Justice's National Security Division. David has an in-depth knowledge of the criminal
law and the experience and perspective of a career prosecutor. He is widely respected
as an expert on national security law—as the author of a leading treatise and balanced
commentator and as someone with extensive practical experience. David also knows
and loves the Department of Justice as an institution. Most significantly, David
approaches issues of national security with the type of balance and professionalism that
is required: he respects both civil liberties and the need to protect the public; he has
enormous integrity; and he has the courage to make tough decisions.

The fact that David served in both the Clinton and Bush Justice Departments is a
testament to the fact that David's client will be—and has been during all of his years of
government service—the United States, and not a particular party or administration. He

is widely respected across political lines and understands the need to work effectively with agencies throughout the Intelligence Community and the Congress.

In short, I recommend David enthusiastically and without reservation.

Respectfully,

A handwritten signature in black ink, reading "Randolph D. Moss". The signature is written in a cursive style with a large, sweeping initial "R".

Randolph D. Moss

Richard D. Parsons

February 5, 2009

Chairman Leahy,
Ranking Member Specter and
Members of the Senate Judiciary Committee
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators:

I am writing this letter in support of the nomination of David Kris to the position of Assistant Attorney General for National Security. I have known David for over 5 years, since he was first hired at Time Warner as our Chief Compliance Officer, while I was Chairman and Chief Executive Officer of Time Warner. During that time, I had the opportunity (and the pleasure) to work directly with David on an ongoing basis.

David is a lawyer's lawyer. He brings a careful, thoughtful and balanced approach to any issue that confronts him. He is also very diligent, careful and thorough; and he has the utmost integrity. David is a quiet leader. He is the sort of lawyer who brings great judgment, makes difficult decisions, and executes flawlessly. He leads by hard work and example. He is also unfailingly discreet. He is thoroughly nonpartisan; indeed, in all my dealings with him, I am not sure I even know his political views. Rather, he is the sort of person who can be trusted with the most sensitive material and issues, and be trusted to handle difficult situations with care, thoroughness, judgment and balance.

David is a great pick for Assistant Attorney General for National Security. It will be a great loss to Time Warner, but a great addition to the service of the Nation. I strongly urge you to support his nomination. If I can provide any further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R.D.P." followed by a stylized flourish.A solid black rectangular redaction mark.

BINGHAM CONSULTING

Suzanne E. Spaulding
[REDACTED]
[REDACTED]

February 5, 2009

VIA U.S. MAIL & ELECTRONIC MAIL

Chairman Patrick Leahy
Ranking Member Arlen Specter
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I write in strong support of the nomination of David Kris to head the National Security Division at the Department of Justice. David is uniquely well qualified for this position and the country will be extremely fortunate to have the benefit of his expertise, judgment, dedication, and integrity.

The first time I met David was in early 2006. He was sitting across from me at a conference table around which a small group of former national security officials had gathered. Conversation turned to role of the lawyer in the context of current national security challenges. Without revealing any specifics, David talked about his experience in those days, weeks, and months following the attacks of September 11, 2001. It is clear that he has been tested in the crucible of a crisis and emerged with a strong sense of the essential role of the national security lawyer in assisting decision makers as they respond to the urgent need for action.

Since then, I have had the good fortune to interact with David in a variety of contexts on issues that arise at the intersection of law and national security. Over those years, I have not only seen that same unwavering commitment to understanding what the law does and does not provide, but also have come to appreciate David's brilliant and extremely thoughtful analysis, the clarity of his writing, and the undeniably compelling nature of his advocacy. David is someone that policymakers at both ends of Pennsylvania Avenue, and on both sides of the aisle, have regularly called upon for advice. They know his advice is solidly grounded not only on a careful reading of the law but also an understanding of the policy implications; understanding that can only come from the kinds of experiences that David has had witnessing the real-world impact of decisions made by government lawyers.

The significant amount of time that David has spent working with and testifying before folks on Capitol Hill also is testament to his understanding of the important role of Congress in national security. He believes in the value of Congressional oversight and has been a constructive contributor to the legislative process. This respect for Congress' role will serve him and the country well if he is confirmed as head of the National Security Division.

Boston
Los Angeles
San Francisco
Washington

Bingham Consulting
Group LLC
150 Federal Street
Boston, MA 02110-1726

617.951.8800

617.951.8870

binghamconsulting.com

Chairman Leahy
February 5, 2009
Page 2

David has earned the respect of lawyers across the political and ideological spectrum. He has accomplished this unusual feat by not letting politics or ideology govern his legal analysis. Instead, he listens carefully to the debates, works hard to understand the policy and legal implications, and is ultimately guided by his understanding of the statutory and constitutional imperatives.

As the author of a treatise on National Security Investigations that immediately became the "bible" for anyone inside or outside of government concerned with these issues, David's expertise is now widely known. However, those of us who knew David before he achieved this fame understand that his unique qualifications for this position go well beyond the tremendous substantive expertise reflected in that publication. There is no one better suited for this important job.

As a former staff member of both the Senate Judiciary and Intelligence committees, I know how heavily burdened the schedules of both must be at this time. Nevertheless, I urge you to move as expeditiously as possible to confirm David Kris so that the country can benefit from this incredibly fortuitous opportunity to have precisely the right person in the right place at the right time to assist the President in protecting our national security and our commitment to the rule of law.

Sincerely yours,


Suzanne E. Spaulding

cc Todd Hinnen (via email)



Georgetown Law
Free University of Berlin
University of Fribourg (Switzerland)
Hebrew University of Jerusalem
King's College London
University of Melbourne
National University of Singapore
University of Sao Paulo
University of Torino
University of Toronto

February 6, 2009

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I write in support of President Obama's nomination of David Kris as Assistant Attorney General for National Security. I know David through his public testimony and commentary on national security issues, and through his position as an adjunct professor at Georgetown University Law Center, where I am also a professor. (I teach and write in areas of Constitutional Law, National Security and Civil Liberties, and Criminal Justice, and have testified in Congress on these issues on many occasions. This year I am Co-Director of the London-based Center for Transnational Legal Studies, a joint venture of Georgetown and ten other law schools).

David is one of the country's most knowledgeable and thoughtful lawyers on issues of national security. He teaches a course in the subject at Georgetown, and has written an excellent and balanced casebook on the subject that is clearly informed by his extensive experience as a lawyer for the government and the private sector addressing these issues. He has always struck me as a lawyer's lawyer, careful in his assessments of legal questions, preferring sound analysis and nuanced argument over the rhetoric that too often mars debates in this area. He has served under both the Clinton and Bush administrations. After leaving the Justice Department, he showed substantial independence in assessing critically, in testimony before this Committee, the Department of Justice's arguments in defense of the National Security Agency's warrantless electronic surveillance program. At the same time, that

David Cole

Co-Academic Director, Center for Transnational Legal Studies



testimony was characteristically cautious in drawing conclusions, maintaining that without access to the facts regarding the full scope of the program, he could not draw a firm conclusion as to its constitutionality.

I am a strong defender of civil liberties, and I have not always agreed with every aspect of David's analysis of subjects touching on national security and civil liberties. However, the quality of his legal analysis means that his arguments must always be taken seriously. Perhaps most importantly, he has always struck me as open-minded and genuinely committed to preserving both security and liberty.

For these reasons, I enthusiastically support the President's nomination of David Kris.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Cole", with a stylized, cursive script.

David Cole

GIBSON, DUNN & CRUTCHER LLP

LAWYERS

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INCLUDING PROFESSIONAL CORPORATIONS

1050 Connecticut Avenue, N.W. Washington, D.C. 20036-5306

(202) 955-8500

www.gibsondunn.com

February 9, 2009

Direct Dial

[REDACTED]

Fax No.

[REDACTED]

The Honorable Patrick J. Leahy, Chairman
The Honorable Arlen Specter, Ranking Member
and Members of the Senate Judiciary Committee
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: *David Kris*

Dear Senators Leahy and Specter:

I am pleased to add my support to the confirmation for David Kris as Assistant Attorney General for National Security.

I had the opportunity to work directly with Mr. Kris during his service, between 2001 and 2003 while he was Associate Deputy Attorney General. At that time I was Solicitor General. We worked closely on several matters involving national security, intelligence, counter-terrorism and the Foreign Intelligence Surveillance Act (FISA).

I found David to be thoughtful, extremely conversant with our nation's laws and policies involving national security and intelligence matters, intelligent, hard working and articulate. He is a very sound lawyer, possesses good judgment, is committed to the defense of the United States and its citizens, and respects the rule of law and civil rights.

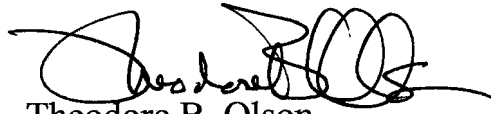
GIBSON, DUNN & CRUTCHER LLP

February 9, 2009

Page 2

Mr. Kris is a fine choice to head this extremely important office up. I commend him to you.

Very truly yours,



Theodore B. Olson

TBO/hlv

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CADWALADER

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February 10, 2009

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of David S. Kris to be the Assistant Attorney General
for the National Security Division

Dear Chairman Leahy, Ranking Member Specter and
Members of the Senate Judiciary Committee:

I write to express my very strong support for the nomination of David S. Kris to be the Assistant Attorney General for the National Security Division.

I have dealt with the Department of Justice for over 40 years in a variety of roles, both inside and outside of the Department. It was my honor to serve in the Justice Department during the Carter Administration (as the United States Attorney for the Eastern District of Michigan 1977-1980) and in the Clinton Administration (as the Assistant Attorney General for the Criminal Division 1998-2001). I also served as President of the bipartisan National Association of Former United States Attorneys in the early 80s. I feel strongly that the Department is at a critical juncture in its history and that it requires the best and brightest leadership possible. I expressed these views in an article published in the most recent issue of the Harvard Law & Policy Review. See Robinson, Restoring Public Confidence in the Fairness of the Department of Justice's Criminal Justice Function, 2 Harv L & Pol Rev. 237 (2008).
http://www/hlpronline.com/Robinson_HLPR.pdf

In my view, David Kris is the best possible person to lead the Department's relatively new National Security Division. I came to know David when I served as AAG of the Criminal Division where David was a highly respected prosecutor and appellate lawyer, and then when he served as an Associate Deputy Attorney General and senior national security advisor to the Attorney General and the Deputy Attorney General. David did an outstanding job in discharging these critical responsibilities and gained very valuable experience that will serve him well in his new position. I also had substantial dealings with David when he served as the Senior Vice President and Deputy General Counsel and Chief Ethics and Compliance Officer of Time Warner, Inc. I dealt with David in my capacity as the Independent Monitor of

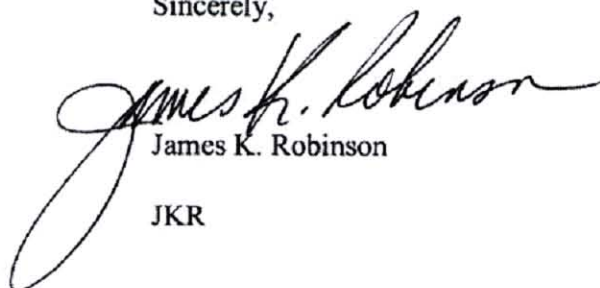
C A D W A L A D E R

United States Senate
February 10, 2009

America Online (AOL), a wholly owned subsidiary of Time Warner, in connection with a Deferred Prosecution Agreement between the Justice Department and Time Warner as to AOL. During this assignment I came to appreciate David's outstanding ethical qualities and his sterling character and integrity. In addition, David is one of the country's leading experts on national security issues and the Foreign Intelligence Surveillance Act and thus is uniquely qualified for his new national security duties.

I am very pleased to support David's nomination as AAG of the National Security Division. I am confident he will serve the Department and the people of the United States in this important position with honor and distinction.

Sincerely,

A handwritten signature in cursive script, reading "James K. Robinson". The signature is written in dark ink and is positioned above the printed name and initials.

James K. Robinson

JKR

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
GENERAL COUNSEL
WASHINGTON, DC 20511

February 18, 2009

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate

The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate

Dear Chairman Leahy, Ranking Member Specter, and Members of the Senate Judiciary Committee:

I write in strong support of the nomination of David Kris for Assistant Attorney General for National Security, Department of Justice.

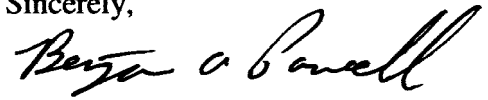
David Kris is well qualified to serve as the next Assistant Attorney General for National Security. He has the strong background in national security law critical to the position. Mr. Kris has a deep knowledge of the issues relevant to the Intelligence Community. He has an extensive background in both national security and criminal law, having served in several positions in the Department of Justice, including as Associate Deputy Attorney General from 2000 to 2003, where he engaged in precedent setting work involving the Foreign Intelligence Surveillance Act (FISA). I became familiar with Mr. Kris during his time in the private sector, where he has distinguished himself as an author and widely respected authority on surveillance and national security law.

I have worked closely with the Department of Justice and the National Security Division while serving as the General Counsel to the first three Directors of National Intelligence, including the current Director, Dennis C. Blair. In my previous capacity as an Associate Counsel to the President and Special Assistant to the President, I worked on issues related to the transformation of the Intelligence Community, including extensive involvement in the drafting and negotiation of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), and supporting the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Silberman-Robb Commission). Creation of the National Security Division was a key recommendation of the Silberman-Robb Commission. The National Security Division plays a critical role in working with the Intelligence Community to protect the Nation while ensuring the protection of the civil liberties and privacy of all Americans. My

office interacts daily with the National Security Division, as do many elements of the Intelligence Community. In short, the National Security Division has become a key part of the country's national security team. I am confident that the Intelligence Community will benefit from the steady leadership that David Kris is prepared to provide, and that Mr. Kris will continue the progress the Division has made in providing leadership on national security matters critical to the Nation.

I believe David Kris has the talent, background, and leadership ability required to succeed in this important position. He also has a well established reputation in the legal community for integrity and hard work. I urge the Committee to recommend to the full Senate approval of his nomination.

Sincerely,

A handwritten signature in cursive script, reading "Benjamin A. Powell". The signature is written in black ink and is positioned above the printed name.

Benjamin A. Powell

DAVIS POLK & WARDWELL

450 LEXINGTON AVENUE
NEW YORK, NY 10017

212 450 4000
FAX 212 450 3800

MENLO PARK
WASHINGTON, D.C.
LONDON
PARIS
FRANKFURT
MADRID
TOKYO
BEIJING
HONG KONG

SCOTT W. MULLER


February 18, 2009

Re: Nomination of David Kris

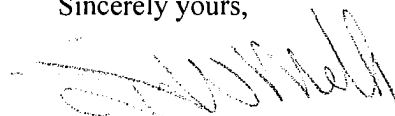
Chairman Leahy
Ranking Member Spector
Members of the Senate Judiciary Committee
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Spector and Members of the Senate Judiciary Committee:

I write in support of the nomination of David Kris to be Assistant Attorney General in charge of the National Security Division of the United States Department of Justice. I served as the General Counsel of the Central Intelligence Agency from late October 2002 until July 2004 and was in a position to observe David while he was working at the Department of Justice, to become familiar with his contributions as a lawyer to issues pending before the Foreign Intelligence Surveillance Court and to become familiar with David's reputation among national security professionals and fellow lawyers. Based on my personal dealings with and observations of David and the high regard in which he is held by lawyers and professionals in a position to see him at work, I urge the Committee to confirm President Obama's wise nomination. David is a lawyer of extraordinary talent and an individual of integrity. Most important, he has a keen understanding of the overriding importance of the rule of law in matters of national security and the personal and professional qualities to lead others. He will serve our Country well as Assistant Attorney General and you and your Committee will serve well to confirm him in that position.

I will be pleased to provide any further information you may find useful.

Sincerely yours,



Scott W. Muller

THE ASHCROFT GROUP, LLC

February 23, 2009

David S. Kris
Time Warner
800 Connecticut Avenue, NW
Suite 800
Washington, DC 20006

Dear David:

Congratulations on your nomination to be Assistant Attorney General for National Security. Your abilities, experience and judgment make you uniquely qualified for this important position, and I am very pleased for you and for the country. I hope that the Senate will confirm you quickly.

I remember our initial meeting in 2001, when you presented me with my first FISA applications. Over the years that followed, until your departure in mid-2003, Larry Thompson and I both came to rely on you heavily in a variety of sensitive areas. You were then, as you are now, an acknowledged expert in the field of national security investigations.

Looking back, I appreciated the way you combined certain qualities that do not often comfortably co-exist in one person. You brought to your work both analytic precision and pragmatism, a deep understanding of the theory and practice of law and government, an unwavering commitment to national security and civil liberties, and a refreshing willingness to search for creative solutions to serious problems. I saw these qualities at work in your efforts to lower the FISA Wall; in several other areas while you were at the Justice Department; and in the insightful treatise you wrote after leaving government. Your intelligence, scholarship, independence, and wisdom are valuable national assets. I am happy that President Obama has joined Presidents Clinton and Bush in drawing upon those assets and is asking you to serve in a high-level position at the Department of Justice.

Please feel free to share this letter with Members of Congress or others in connection with your nomination.

Sincerely,



John Ashcroft



February 23, 2009

Chairman Patrick J. Leahy
Ranking Member Arlen Specter
Members of the Senate Judiciary Committee
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of David Kris

Dear Chairman Leahy, Ranking Member Specter and Members of the Senate Judiciary Committee,

On behalf of the United States Internet Service Provider Association (US ISPA), a national trade association representing many of the country's major Internet and network service providers, I write to express our support for the nomination of David Kris for Assistant Attorney General of the United States.

We are encouraged by Mr. Kris' previous service in the Justice Department and his extensive experience in the private sector. Throughout his career, Mr. Kris has shown that he is a professional with expertise in law enforcement and intelligence matters. Mr. Kris is an exemplary candidate, a smart and pragmatic attorney who is devoted to the Department of Justice and its personnel. We believe he will respect and uphold the rule of law and lead the National Security Division in balancing the needs of security and liberty.

Mr. Kris is a highly-qualified candidate to serve in the Department of Justice, and we believe he will work diligently to ensure the safety, security and liberties of the American people.

For these reasons, we respectfully urge the Committee to confirm the nomination of David Kris for Assistant Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Dean", is written over a large, stylized "X" mark.

Kate Dean
Executive Director

U.S. Internet Service Provider Association

700 12th Street, NW • Suite 700

Washington, DC 20005

(p) +1.202.904.2351 • www.usispa.org