

Dear Members of the United States Senate Judiciary Committee:

As former leaders of the Department of Justice National Security Division, we write in support of John Eisenberg, the nominee for Assistant Attorney General for National Security.

Congress established the National Security Division nearly 20 years ago to carry out the Justice Department's highest priority of keeping the American people safe. For the past two decades, NSD has fulfilled that mission by pursuing justice to protect the United States from threats to our national security and ensuring that these efforts comply with the Constitution, adhere to the rule of law, and uphold our founding values.

The work of the National Security Division has never been more vital — or more challenging. Today, our nation faces a wide range of complex and evolving threats. These include international and domestic terrorism, nation-state sponsored lethal targeting of American civilians and officials, transnational repression of dissidents, foreign malign influence and election interference, national security cyber threats, and the illicit procurement of sensitive American data and technology.

The National Security Division's dedicated career workforce is the backbone of the effort to combat these threats. NSD's career attorneys and professionals carry out this work by investigating and prosecuting terrorists, spies, and malicious cyber actors; providing legal and policy guidance to the intelligence community, including the FBI, as well as policy makers; obtaining authority to carry out intelligence activities in a manner consistent with the Constitution and legal requirements; and reviewing and mitigating risks posed by foreign investments in the United States.

Along with NSD's career workforce, the Division must have a leader with deep experience in national security and an abiding commitment to the rule of law. John Eisenberg has extensive and highly relevant national security experience at the intersection of law, policy, and operations. From his time at the Justice Department, he understands the bedrock norms and values of the Department and knows how NSD carries out its mission with fidelity to those core principles.

We worked with John at the Justice Department when he served in leadership roles in the Deputy Attorney General's Office and in the Office of Legal Counsel and can speak to John's national security work in those important positions. In his DOJ service, John tackled extraordinarily complex national security legal and policy challenges involving counterterrorism, intelligence, and national defense. John demonstrated an

exceptional capacity to translate complex legal principles into actionable guidance and concrete results. In particular, John's leadership and expertise were instrumental to the effort to reform and modernize the Foreign Intelligence Surveillance Act and enact Section 702, which remains an indispensable intelligence authority to this day. In addition, John contributed significantly to the effort to establish and shape NSD's role in conducting rigorous and effective oversight of the FBI and other intelligence agencies. John helped guide NSD during its first few years to build the capacity to protect the nation from threats while at the same time safeguarding the civil liberties of our citizens and upholding the Constitution.

As former leaders, we care deeply about the mission and the people of NSD. We recognize the essential role of NSD and its career workforce in protecting the United States. We believe NSD must have experienced leaders who are accountable to Congress and the American people.

We urge the Senate to support NSD's national security mission by confirming John Eisenberg to serve as Assistant Attorney General.

Sincerely,

Kenneth L. Wainstein
Assistant Attorney General for National Security (2006-2008)

J. Patrick Rowan
Assistant Attorney General for National Security (2008-2009)

David S. Kris
Assistant Attorney General for National Security (2009-2011)

Matthew G. Olsen
Assistant Attorney General for National Security (2021-2025)