



AMERICAN UNIVERSITY

WASHINGTON, DC

STEPHEN I. VLADECK  
Professor of Law and  
Associate Dean for Scholarship

December 20, 2013

**VIA E-MAIL**

The Honorable Patrick J. Leahy  
Chairman  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Charles E. Grassley  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

**Re: Nomination of John P. Carlin to be Assistant Attorney General  
for the National Security Division**

Dear Chairman Leahy and Ranking Member Grassley:

I write to express my unstinting support of John P. Carlin to serve as the Assistant Attorney General for the National Security Division of the Department of Justice, and to recommend his confirmation at the earliest possible opportunity.

By way of background, I am a professor of law and the Associate Dean for Scholarship at American University Washington College of Law, with special expertise in national security and counterterrorism law—expertise upon which your Committee, along with a host of other congressional bodies, has often called. In that capacity, I am both deeply familiar with, and often critical of, the work of the National Security Division, especially in my writings for the [Lawfare](#) blog (to which I am a contributing editor) and for [Just Security](#) (of which I am a co-editor-in-chief).

My views on specific NSD policies and activities notwithstanding, there is little question that NSD serves a critical institutional role in providing strategic legal advice to senior DOJ leaders and in coordinating national security initiatives across the government. If anything, NSD's significance has only *increased* in recent years, as this Administration has increasingly resorted to and relied upon law enforcement tools as the principal means through which the United States responds to threats posed to our national security by foreign and domestic terrorist organizations and others. To that end, it is crucial not only that NSD have a Senate-confirmed AAG to lead it, but that

the confirmed AAG have both (1) the range of law enforcement-oriented experiences and expertise that John has to offer; and (2) the deep and abiding commitment to protecting the rights of U.S. persons that comes across from even a cursory perusal of John's record.

For instance, John is a career public servant who has been trained by the likes of FBI Director Mueller (for whom he was Chief of Staff), and Lisa Monaco, his predecessor as AAG. This training and understanding is manifested in his objective and data-driven approach to the challenging issues currently facing us in the national security arena, and in his speeches, in which, among other things, he has emphasized his deep commitment to the "[transformative power of lawyers in our government—and the sense of duty and mission that comes with it.](#)" With that basic principle as his guidepost, John has repeatedly highlighted the serious and important responsibility that government lawyers bear in ensuring that the government safeguards privacy and civil liberties even as it collects essential intelligence information. Especially after and in light of the NSA reform debate prompted by the Edward Snowden disclosures, such a mentality should be a prerequisite for any individual seeking confirmation as a senior government national security lawyer.

But while there are certainly others with comparable commitments, John also brings special expertise to bear on the emerging and evolving threats posed to our national security in the *cyber* realm, as publicly evidenced by, among other things, a [July 2012 Washington Post article](#). In that regard, John is perhaps uniquely situated to lead the National Security Division in the coming years, and to help ensure that the government pursue a holistic and integrated approach to all national security threats—one that prioritizes a coordinated look at all of the tools available to disrupt the threat, and picks the combination that most effectively safeguards both our national security and our individual rights.

Simply put, John and I don't—and won't—always see eye-to-eye. But I have come to develop a deep and abiding respect for him and his work, and have no doubt that his expertise and values make him a natural choice to be the next Senate-confirmed Assistant Attorney General for the National Security Division.

Sincerely yours,



Stephen I. Vladeck