

**Opening Statement of Hampton Dellinger, Nominee to be Special Counsel  
Before the Homeland Security and Government Affairs Committee  
November 30, 2023**

Chairman Peters, Ranking Member Paul, and Senators of this distinguished Committee – thank you for considering my nomination to head the Office of Special Counsel (OSC).

Each day, millions of federal employees interact, reach decisions, and take action. We are all indebted to these honorable civil servants as so much of this workplace conduct is lawful, professional, and in the public interest.

But each year, there are several thousand complaints made to the Office of Special Counsel about governmental conduct that is not appropriate. And we also owe thanks to everyone who “blows the whistle” on government misconduct because they do so with great courage and, regrettably, too often find themselves at professional risk. But our gratitude is not enough. Federal government whistleblowers deserve and are legally entitled to robust protection from retaliation.

Simply put: the branch of government that executes and enforces the law must also -- and always -- follow the law including whistleblower protection laws. If confirmed, I will take every complaint made to OSC seriously. Every single one. And my overriding goal will be to contribute to greater trust in government including by protecting whistleblowers vigorously.

To earn such trust, I promise to act independently just as I have done throughout my thirty-year legal career. In North Carolina, I sued the administration of a Governor I admired and had previously worked for because I saw taxpayer money being wasted. At the United States Justice Department, I advocated for scientists rather than lawyers leading on forensic science issues. And I raised privacy, civil rights, and civil liberties as vital considerations in surveillance and other law enforcement operations.

At OSC, independence to me would mean ensuring that all federal workers -- no matter what they disclose nor who they challenge -- receive the legal rights and protections they are guaranteed. If confirmed, I will work with my OSC colleagues to vindicate these rights and protections. We will do so independently, even-handedly, without regard to politics, and 100% consistent with the mission and mandate Congress has given the agency.

I have worked with, advocated for, and provided trusted counsel to whistleblowers throughout my career. They were key to Medicaid fraud cases I oversaw as a Deputy Attorney General in North Carolina, to the False Claims Act case I filed on behalf of a *qui tam* plaintiff, and to lawsuits and investigations I’ve handled and led. I strongly agree we should have an annual designated National Whistleblowers Day to acknowledge their inestimable contributions to government accountability and transparency. And, if confirmed, I will work to ensure that federal government whistleblowers are respected and protected every day.

OSC also enforces the Hatch Act, a law that demands non-partisanship in executive branch activities. I know the Hatch Act well. I taught it as a law school instructor and followed it to the letter as a government official. I am prepared to enforce it vigorously and even-handedly.

I also believe deeply in another core mission of OSC: ensuring that federal workers also serving in the military do not face job-related setbacks when returning from active duty or training.

I made promises to the U.S. Senate when, in 2021, you confirmed me to be an Assistant Attorney General overseeing the Office of Legal Policy. I kept my word. Senators asked me not to impose litmus tests on potential judicial nominees my office vetted; I didn't. I was urged to make sure that background investigations of nominees were thorough and surfaced every relevant issue; I did. I was told not to be a partisan; I wasn't.

I will end with my family. My late father, Walter, served in the executive branch in the 1990s. My late mother, Anne, also worked for the federal government. She was with the FBI in 1979 and 1980. While there, she had the courage to call out gender discrimination she witnessed. I am proud of my mom's distinguished career as well as my dad's. And I deeply admire the teaching and scholarship of my wife Jolynn, a privacy expert at Duke Law School.

Our son and our daughter are both first-year law students. I know the most valuable possession I can give to them is the good name my parents left me. As a lawyer, a husband, and a father, I can assure you that I will always adhere to my legal and ethical obligations and properly discharge my duties.

If confirmed, I will view serving as Special Counsel as a high honor bestowed upon me only temporarily and one that I must safeguard as a vital public trust. Henry Kerner ably upheld that trust during his recently ended tenure as Special Counsel. Acting Special Counsel Karen Gorman is doing so as well. I am indebted to and thank them both.

Thank you, again, for your consideration. I am honored to be here and welcome your questions.

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