

**Statement of John Marshall Mitnick**

**Nominee for General Counsel  
U.S. Department of Homeland Security**

**Before the**

**U.S. Senate Committee on Homeland Security and Governmental Affairs**

**October 3, 2017**

Chairman Lankford, Ranking Member Peters, and distinguished Members of the Committee, it is an honor for me to appear before you today as the President's nominee to be the General Counsel of the Department of Homeland Security (DHS). I am grateful to the President and Acting Secretary Duke for the trust and confidence that they have placed in me, and I thank the Committee and its staff for moving forward expeditiously on my nomination.

I would also like to recognize and thank the members of my family who are here today. My wonderful daughter Hadley, who is taking a few hours off from kindergarten this morning, is sitting behind me. Hadley is the light of my life, and I feel very fortunate that she can share this event with me and see how our government functions. She should have quite a story to share with her classmates and teachers when she returns to school this afternoon.

I am grateful to my mother, Dr. Barbara Mitnick, who is also here. She instilled in me a love of learning early on when, after graduating from Cornell University and having children, she resumed her education, ultimately earning a master's degree and a doctorate in the history of American art and architecture. She went on to a distinguished career in scholarship, teaching, and public service, which continues to this day. She will undoubtedly give us a memorable tour of the Capitol after this hearing.

I regret that my father, Howard Mitnick, cannot be here today. He passed away suddenly in March 2012, and I miss his love and wise counsel every day. He was a lawyer's lawyer, an astute lifelong student of business, economics, and public policy, and a true patriot, and I know that this would have been a proud day for him. I carry his memory with me in everything that I do.

At this time, I also want to remember my grandparents, Sydney and Nan Jacobs, and Bernard and Sophie Mitnick. All but my grandfather Syd were immigrants to our great country early in their lives, and Syd was the son of immigrants. Their stories of leaving their homelands to seek freedom and opportunity in America and working hard to succeed here, while typical in many ways of a large number of my fellow citizens, are constant inspirations to me. They raised families, became pillars of their communities, and built strong foundations for the generations to come. Theirs was an extraordinary and awe-inspiring generation, and I consider myself very

fortunate to have known all of them well. I will always cherish the memory of the day in June 1993 when my grandfather Syd, who was also an attorney, at the age of 88 realized a dream that he had since I was born by moving my admission to the U.S. Supreme Court Bar in open court.

If confirmed, it will be a privilege and an honor for me to return to DHS and work side-by-side with the Department's more than 240,000 dedicated professionals to safeguard the American people, our homeland, and our values. I say "return" because I was there at the beginning; as a detailee from the Department of Justice in the DHS Transition Planning Office, I was one of a small group of attorneys tasked with supporting the establishment of DHS in late 2002 and early 2003. I went on to serve as the Department's first Associate General Counsel for Science and Technology until I moved to the White House in 2004, where I served successively as Deputy Counsel of the Homeland Security Council and as Associate Counsel to the President with primary responsibility for all homeland security legal matters.

Although it has been many years since I served in DHS, and I have admired from afar the great strides made by the Department, I am generally aware of the ongoing challenges of integrating and coordinating its many disparate elements. If confirmed, I intend to build upon the good work of my predecessors to ensure that the more than 1,800 talented and dedicated attorneys in the Office of the General Counsel provide sound, timely, actionable, and consistent legal advice throughout the Department while also ensuring the protection of the privacy and other legal rights of Americans. In doing so, I will employ my 28 years of experience practicing law at the highest levels in government and the private sector, which has included supervising senior attorneys and serving as an integral member of senior leadership teams that managed organizations ranging from several hundred to more than 9,000 employees.

I also understand that oversight activities are essential functions of the Congress that are necessary for the exercise of its constitutional powers, and are also vital to the proper functioning of the executive branch. Therefore, if confirmed, I will look forward to working with you and your staffs in a cooperative manner.

Chairman Lankford, Ranking Member Peters, and distinguished Members of the Committee, thank you again for this opportunity to appear before you, and I would be pleased to answer any questions.