

**Statement for the Record of John Bradford Wiegmann  
Nominee for General Counsel of the Office of the Director of National Intelligence  
Before the Senate Select Committee on Intelligence June 5, 2024**

Chairman Warner, Vice Chairman Rubio, and members of the Committee, thank you for having this hearing today to consider my nomination as General Counsel for the Office of the Director of National Intelligence (ODNI). I want to thank President Biden and Director Haines for giving me this opportunity.

I'd also like to thank my family who are with me today: my Mom Carol, my wife Theresa, and my kids Nicole and Nat, whose love and support mean so much to me and who make my life possible. And finally I'd also like to recognize my Dad who we all miss very much but who is always with us in spirit.

Exactly forty years ago this week, I was graduating from high school. It was 1984, and no doubt like thousands of students across the country that year, I had written an essay on Orwell's dystopian novel. I don't remember much about that essay, but it was something about the benefits and risks of modern technology for our society and what the prospects were for technology enabling an authoritarian surveillance state. I professed optimism that the human spirit would ultimately prevent Orwell's vision from being realized.

As fate would have it, a dozen years later I wound up becoming a national security lawyer for the federal government. Over the last thirty years I've worked at the Pentagon, on the NSC staff, at the Department of State, and in the National Security Division of the Department of Justice. I've worked on a wide range of issues in my career but many of them have to do in some way with the same subject as that high school essay: technology and its benefits and risks, whether in the hands of our government, the private sector, adversary nations, or criminal organizations.

Figuring out how the law should address issues at the intersection of technology and national security today is a huge challenge, and one that is important for the ODNI General Counsel. Since 1984, technological advances have catapulted forward at an unimaginable speed and have raised many tough but by now familiar questions for national security policymakers and lawyers:

- How should the intelligence community protect privacy and civil liberties regarding vast quantities of data that are now publicly or commercially available to anyone? And how do we prevent foreign adversaries from exploiting this same data of U.S. persons?
- How should the law address the challenges that increasingly sophisticated encryption poses for law enforcement and intelligence agencies while preserving privacy and cybersecurity?
- How should the law regulate the government's use of increasingly powerful artificial intelligence in ways that support national security while ensuring it will not be misused? And how do we defend against our adversaries' use of AI?

These questions are just the tip of the iceberg: gene editing, quantum computing, autonomous drones, synthetic media and many other revolutionary advances also present novel questions for national security policy and law.

In wrestling with these issues, one of the challenges for lawyers is that the law often doesn't keep pace with a rapidly changing technological and threat landscape. We can look to the

Constitution, federal laws, court decisions, and Executive orders and regulations. But those sources often don't provide clear answers. So national security law in this area can be messy. The policy implications can be momentous. No one wants a government that operates like Big Brother. You don't have to read novels to be worried about this risk; you can just read the Church Committee report. At the same time, we all want a government that is effective at protecting us from an array of very serious, complex, and technologically-enabled threats – threats which this Committee knows all too well. Our commitment to liberty will be hollow if we cannot rise to meet the challenges posed by authoritarian regimes like China and Russia, terrorists, criminals, and others bent on wreaking havoc across the world.

National security law plays a major role in reconciling these objectives insofar as it both empowers us and constrains us as we make decisions that affect the security and freedoms of the American people. All three branches of government have a major role in shaping this evolving body of law. I've been privileged to work closely over the years with hundreds of dedicated lawyers and policymakers in the Executive Branch to help our government both follow and interpret the law and adapt it to meet new challenges caused by changing global conditions. If I'm confirmed, I hope to help the intelligence community continue to perform its vital mission in a way that is fully consistent with our Constitution and laws as well as our values.

I'm still optimistic that the human spirit -- and our legal institutions -- will allow us to continue to thrive as a society that is both free and secure, and I am hopeful that, despite recent dispiriting trends, authoritarian regimes ultimately will not endure. I also strongly believe in the value of public service. Promoting greater public confidence in our institutions of government -- and particularly our intelligence and law enforcement agencies -- is a crucial objective in current times, when such confidence appears to be fast eroding. Greater transparency about the work we are doing, where operationally possible, is one way to help us meet this goal.

If I'm confirmed, I look forward to working closely with this Committee, which has a uniquely important role to play in overseeing the Executive Branch and thus helping promote public confidence in our intelligence community. I also appreciate the nonpartisan spirit in which this Committee has customarily operated and would hope to follow suit. If confirmed, I will of course provide my best advice to the Director on all legal issues confronting the office. And I look forward to collaborating with the talented lawyers and professionals throughout the government whose work is so important to achieving the objectives I've talked about today.

Thanks again for having this hearing and I am happy to answer your questions.