

## **OPENING STATEMENT OF SCOTT W. MULLER**

Let me start, Mr. Chairman, by thanking you and the distinguished members of this Committee for giving me this opportunity to appear before you and make this introductory statement. I am honored that the President has nominated me to the position of General Counsel of the Central Intelligence Agency.

The privilege that I feel in being asked to serve is particularly great because this is an extremely challenging time for the Agency, the Intelligence Community, and the Nation as a whole. The laws governing the relationships between the intelligence and law enforcement communities and the practices of those communities are undergoing rapid and substantial change. A new and fresh perspective is being brought to balancing the need for collaboration and the simultaneous need to respect constitutional values and, in particular, the Intelligence Community is being asked to coordinate more closely than ever with criminal investigators and prosecutors. This re-examination is taking place in real time crisis conditions where there are continuing, simultaneous demands on a number of fronts and a critical need for judgement, management skill and a collaborative spirit in the Office of General Counsel.

For 24 years, I have been a litigator at Davis, Polk & Wardell specializing in representing Fortune 100-size companies and others at times when they were immersed in crisis and felt they were “under siege.” A major part of my practice and experience can best be described as “crisis management.” I have frequently been asked to walk into fast-moving, high-pressure, high-profile legal disaster areas, to assemble and manage large teams of lawyers, and other experts, to work within new and complex institutional structures, to collaborate (as appropriate) with those representing diverse interests and to guide my client’s responses on multiple simultaneous fronts. I have had the opportunity to engage, and, I trust, master new subject matters, often extremely complex and usually technical if not arcane, and to do so under severe time constraints, and I have also had the opportunity to advise numerous large institutions on the establishment of legal compliance programs designed to avoid violations of law while giving business executives the tools they need to perform their jobs effectively.

The central part of my practice for the last 25 years has been federal criminal law and enforcement, and my experience in that subject is current and extensive. After serving with the Watergate Special Prosecution force, I clerked in the United States Court of Appeals for the Third Circuit. I was an Assistant United States Attorney in the Southern District of New York from 1978 to 1982. I served as the Vice Chairman of the American Bar Association’s White Collar Crime Committee and as an Adjunct Professor at the Georgetown University Law Center, where I taught an advanced course in federal law enforcement. Most importantly, the vast majority of my cases have involved federal criminal law and interaction with federal prosecutors.

I believe that the job of General Counsel of the Central Intelligence Agency is to provide proactive, timely, objective and independent advice to assist the DCI, the Agency and the Community as a whole in accomplishing their missions effectively and doing so in a way that is fully consistent with the laws and Constitution of the United States. I view a critical part of that job as working with this Committee and its House counterpart as you fulfill your important

oversight responsibilities. I am enthusiastic about the opportunity to serve. I look forward to answering your questions and providing whatever information you may find useful as you consider my nomination. And, if confirmed, I look forward to working with you on the important issues that face the Central Intelligence Agency, the Intelligence Community, this Committee and its House counterpart and the Nation.