

A Conversation with NLJ Lifetime Achievement Award Winner Jeh Johnson

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For Jeh Johnson, now partner at Paul, Weiss, Rifkind, Wharton & Garrison, the tumultuous events of 1968 left a lasting impression.

Apollo 8 orbited the moon; civil rights leader Martin Luther King and U.S. Sen. Bobby Kennedy, D-New York, were assassinated, and Johnson watched the Democratic and Republican national conventions unfold on his family's first color TV.

"A lot happened in the year 1968, which awakened me to the wider world around me. I recognized then that I wanted to be part of it, even at 11 years old," said Johnson.

Johnson has gone on to leave his mark. After years as an associate at Paul, Weiss after law school, Johnson took on numerous roles in government: as a federal prosecutor in the Southern District of New York, as Air Force general counsel during the Clinton administration, then as the Defense Department's general counsel and secretary of homeland security under President Barack Obama.

Johnson, who returned to Paul, Weiss in 2017, is a recipient of this year's Lifetime Achievement Award from the *National Law Journal*.

The following interview has been edited for length and clarity.

What is one, or more, of your proudest moments in your career, whether it's the outcome of a case or a particular policy you spearheaded?

One was when I was general counsel of the Department of Defense in 2011. I was read into the Bin Laden operation before it occurred to provide much of the legal analysis that went into



Photo: Ryland West/ALM

Jeh Johnson, partner at Paul, Weiss and former secretary of homeland security, photographed in his Manhattan office.

whether or not U.S. special forces could enter Pakistan without that government's knowledge and consent. Being privy to the operation and being at the Pentagon in the basement, watching and listening to it unfold that day, was one of my proudest achievements, particularly because I'm a New Yorker, and I was present in Manhattan on September 11, 2001.

In private practice, the case I'm most proud of is a pro bono case. I represented New York City police lieutenant Roger Parrino. I got to know him when I was a federal prosecutor in 1989. I had left the U.S. attorney's office in 1992 and Roger contacted me one evening. He told me he had been accused of a homicide while he was on the job, and asked me to defend him. I said, "Roger, I don't do homicide cases. I'm back to being a corporate litigator," And he said, "But I trust you."

So I represented him through this whole ordeal. The grand jury heard all the evidence. I heard him testify. And the grand jury voted against indicting him. He was exonerated, as he should have been. One of the reasons I'm very proud of that case is because nine years later, after his career had been restored, he was a hero on 9/11 and received a Medal of Valor from the mayor. Then five years after that, he was the chief detective that reinvestigated the Central Park Jogger case. And then about eight years after that, he came to work for me in the Department of Homeland Security in Washington after he retired from the police force. So that's a case I'm very proud of.

What was the transition like, going from private practice to government?

Each one was a little different. Leaving Paul, Weiss as a senior associate, going to the U.S. attorney's office was exciting. I was in court every day and tried 12 cases in three years. [I had] lots of autonomy learning how to try my own cases. Returning to Paul, Weiss three years later was a challenge. I returned to being a senior associate, and missed being in court every day. But I'd had a good run as an assistant U.S. attorney.

So I came back to Paul, Weiss in 1992 and became a partner in 1994. The public service bug bit me again in 1998 and I was recruited to be in the Clinton administration as general counsel of the Air Force. It was a job I knew almost nothing about, I didn't even know it existed. I had never been to the Pentagon before, I had not served in the military. You have to have a rank everywhere in the military, even if you're a civilian, so I was considered a four-star equivalent. I did that job for 27 months and it was a huge learning experience. I returned to Paul, Weiss again in January of 2001. The Clinton administration was coming to an end, so I knew that I was returning and that was pretty much a seamless transition. But again, I knew I wanted to come back to Washington at some point.

So in 2006, I met Barack Obama and he recruited me to his campaign in November 2006. I helped him with national security legal advice, went door to door campaigning for him in Iowa and Pennsylvania, I was a delegate to the convention,

I raised money, and I was part of his transition. The natural job for me in his administration was general counsel of the Defense Department. I was returning to a familiar territory in the E-Ring of the Pentagon, but the world had changed after 9/11.... We had the legal issues around holding detainees without charges at Guantanamo [and] legal issues around our counterterrorism operations. It was an important time to be in the DOD as the senior legal official, and it was a natural progression for me. I left four years later exhausted. We were running out of money and had two kids getting ready to go to college. I needed to come back to private practice to make some money frankly, so I returned to Paul, Weiss in 2013. But part of me missed me being part of the Obama administration. To my complete surprise, eight months after I left the Pentagon, the president asked me if I would return to his administration as secretary of homeland security, which was a job I did not anticipate. My first question to myself is, "Am I qualified for this?" I've never led an organization of 250,000 people. It occurred to me that the president thought I was qualified. For the first six months, I couldn't believe I was in the job.

Who has been the most influential mentor in your life, and what's a lesson they taught you? And vice versa— in what ways have you been a mentor more recently in your career? Can you tell me about someone you have mentored?

I think of two people. One is a congressman I worked for when I was in college. His name was Hamilton Fish, [and] he was a moderate Republican in Congress from 1968 to 1994. He believed in civil rights and immigration reform. He voted for Richard Nixon's impeachment in 1973. He had the courage to do that even though he was a Republican, and he very much believed in the law and the Constitution. I worked for him when I was in college in the summer of 1977, and again when I was in law school in the summer of 1980. He was a very soft spoken man and didn't seek the limelight. And he was in public service because he saw it as his duty.

The other one was Arthur Liman, a senior partner at Paul, Weiss when I joined it in 1984.

His picture sits here in my office. I think Arthur recognized my potential early on. I'll never forget I asked Arthur around 1992 to write me a letter of recommendation for an organization while I was still an associate. Arthur, in the letter, said he [Johnson] will be one of the leaders of the bar of his generation. And Arthur was right.

And there's a teacher in me. My grandfather was a teacher. My father taught at Vassar College for 37 years and mentored generations of his students. So I've mentored generations of lawyers all the way to lawyers who are today in their late 40s, to people who were summer associates this past summer.

You helped put together the New York State Bar Association's Task Force on Advancing Diversity report— published in September— that included strategies for companies to lawfully continue to maintain diversity programs after the Supreme Court's Students For Fair Admissions decision. Given the shifting legal landscape, where do you see corporate DEI programs heading in the next few years?

The report was written very soon after the Supreme Court decision, and I think as time passes, more and more courts will interpret that decision in ways that will make implementation of it more meaningful. For example [Chief] Justice Roberts in the opinion said that while law school admissions can't consider race, they can consider an individual applicant's experience confronting hardships, which can include race. So that distinction will have to play out over time if and when litigation is brought over that.

I believe that [Diversity, Equity and Inclusion programs] will continue. I believe when you say the word diversity, it means literally what the word suggests. Every year at Paul, Weiss, for example, we have this massive diversity networking event in excess of 1,000 people. I invite many of the guests and recruit the speaker. It's not an affinity group. It's a network of diverse people with an opportunity to meet each other. So to me, DEI means creating opportunities for

people who are of different races [and] different backgrounds to get to know one another and become comfortable with each other.

In a speech this June, you talked about the risks of AI on elections. With the election 3 weeks away, can you expand on those concerns? How can AI be used to undermine election integrity? And what role do lawyers and law firms play in addressing these issues?

There's several ways we have to look at it. One is what I was focused on when I was still in office in 2016: a cyber attack on election infrastructure that alters the vote count or in some way removes a voter from the election rolls. Fortunately, we saw very little, if any, of that in 2016 or 2020. The bigger challenge is our bad actors, including foreign governments, that effectively infiltrate the American conversation about our election, and that is very difficult to detect.

Generative AI is very difficult to detect on social media. Very often, it's not until months after the event. I believe that social media platforms must do a better job of flagging content about our elections that come from foreign actors. But on the other side of the coin, the government should not be in the business of trying to regulate the content of speech.

We talked about your career in law spanning three decades and multiple administrations. What do you like to do in your free time, outside of work?

I have two: one is model trains... and the other is that I'm a radio host, I'm a DJ. There's a radio station based in Newark, New Jersey, WBGO 88.3.... During the week, it's jazz and during the weekend, it's classic R&B, and I'm a huge classic R&B fan. I've been a supporter of the station for years and a couple years ago, they asked me if I'd like to have my own radio show. And I said, "Wow, of course I would." So once a month, on Saturday mornings, I host my own radio show, and I try to have one interview per show. The next is going to be November 2 just before the election. I love sharing my playlist with the listening audience.