

Alexander W. Joel
ODNI Civil Liberties Protection Officer
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Mayor Kilpatrick, thank you for that kind introduction, and thank you for inviting me to speak before this distinguished audience. It's great to be back in Michigan. As you mentioned, I went to law school in Michigan. I hiked in Michigan's beautiful woods, got to know Detroit, and cheered on Bo Schembechler's Wolverines. I'll definitely be watching the big game against Notre Dame this weekend.

And thank all of you for joining Mayor Kilpatrick and me on this anniversary. Today, countless words will be spoken, poems will be read, and memories will be recounted, spelling out in very personal terms how 9/11 changed so many lives.

It changed my life. Like I'm sure all of you do, I remember vividly what I was doing when I first heard about the attack. I was working in the Washington, D.C. area as the privacy and technology lawyer for a large corporation. After checking to make sure my family was safe, I found myself glued to the news, wondering what I, personally, could do to help. We as Americans lined up to give blood and to volunteer our services to our communities. We all tried to do what we could – we all gave as we were able.

For me, I decided that I wanted to make a difference in a more direct way – I left my corporate job for a position in the Central Intelligence Agency, and later took this position as the Civil Liberties Protection Officer for the Office of the Director of National Intelligence- the ODNI. I have witnessed first-hand the incredible dedication of our intelligence professionals. And I know that dedication exists across the Federal government, in State and local governments, and across the country.

As we remember 9/11, we must also take stock of where we are today and where we need to go. America is better protected today than it was five years ago. We are better organized. We have improved our capabilities. We are sharing more information with those who need it to protect our country. At the Federal level we are building a more robust information sharing capability with a greater capacity for coordinated action with our State and local partners. Ambassador Negroponte – the Director of National Intelligence - is firmly committed to this important task.

But much work remains to be done and we must do it in partnership with you. Successful counterterrorism efforts require that Federal, State, tribal, local, and private sector entities effectively share information so that we can better prevent, respond to and recover from a possible terrorist attack. Many of you have already been working on these important issues, and more of such work lies ahead.

As we do this important work, we must always keep in mind the fundamental importance of protecting privacy and civil liberties. Our country is defined not just by the borders that circumscribe us on a map, or by the cities and towns within those borders, or by our vast and diverse citizenry. They are all part of the mosaic. But what defines us as a nation, what makes us uniquely American – is our Constitution.

The men and women I am privileged to work with in the intelligence community share a commitment to bedrock constitutional principles and to the rule of law. I am proud as an American, and as someone sworn to uphold the Constitution – to witness that commitment.

I take that commitment personally. I'm the son of immigrants – my mother is from Korea, and my father is a German Jew whose parents fled the Holocaust to the only

country that would accept them – Egypt. Respect for religious freedom and diversity is part of my DNA. As the Civil Liberties Protection Officer for the ODNI, it's a respect that I work to reinforce in everything we do.

And I know that my newly hired deputy for Civil Liberties, Tim Edgar, is equally committed to this work. He is a former national security lawyer and lobbyist for the American Civil Liberties Union. Some were surprised that the intelligence community would welcome someone from the ACLU, but I believed his perspective was a fundamentally important one, and Ambassador Negroponte agreed. He is doing this job for the same reason I am – to help keep our country both safe and free.

But, I'll admit, when I tell people what I do for a living – ensuring the preservation of civil liberties and privacy in American intelligence – and then tell them that I have a staff of three, including me, some wonder if the job can be done. On its face, it sounds like a daunting job, and if it were just the three of us, it would be overwhelming. But we are joined with many dedicated career professionals who oversee the work of the federal agencies that are engaged in our national and homeland security efforts – including general counsels, inspectors general, the judge advocate general corps in the military services and the other civil liberties and privacy officers in the federal government – who form the backbone of what I call the "civil liberties infrastructure." We are subject to oversight by Congress, a co-equal branch of government. And state and local governments have their own mechanisms for protecting civil liberties and conducting oversight.

When Mayor Kilpatrick was sworn in for his second term last January, he took an oath, and it's an oath that many of us in this room – that all government employees – have

taken: an oath to support and defend the Constitution of the United States. I keep mine right here – I’ve pasted it to the front page of the Constitution that I carry with me every day. I have it with me to serve as a physical reminder of what it is that I’m here to do – what it is that *we’re all* here to do: “I do solemnly swear that I will support and defend the Constitution of the United States.” The *Constitution* – not the property of the United States, not the borders of the United States, not even the people of the United States – but the *Constitution* of the United States. Put simply, my job is shared not just by the civil liberties infrastructure I just mentioned, but by every person who has taken that oath.

When Congress created the ODNI, it knew that a dedication to privacy and civil liberties had to be at the heart of our organization: it had to be an organic part of the way we do business. In addition to my job, Congress created the Privacy and Civil Liberties Oversight Board, which provides civil liberties advice and oversight on all federal counterterrorism operations. And Congress required that guidelines be established to protect privacy and civil liberties in information sharing.

Improving how we share information is at the heart of our efforts to prevent another 9/11. Both the President and Congress have required that we develop and maintain a commitment to information sharing. This requirement responds to a key lesson from many of the investigations and studies conducted after 9/11: that we did not “connect the dots”. We had important information in our hands, but not the *right* information in the *right* hands. To fix that, the law that created the ODNI also mandated an “information sharing environment” – an approach to facilitate information sharing between and among federal, state, and local agencies, the private sector, and foreign

allies. In March of this year, the President appointed Ambassador McNamara as the Program Manager to lead that effort

At the Federal level, we're making information sharing a natural part of our work by coordinating more closely with our state and local partners – the boots on the ground – who better understand local realities and are certainly more expert in regional issues than we are in Washington. For all of you in the front lines to best do your jobs, we need to give you better access to timely, actionable information. On the other side of that coin, we realize that *you* have information that may prove valuable to the Federal government. With information sharing, we're giving the people charged with keeping our country safe the ability to make connections that they otherwise might not have seen – we are enabling people to connect the dots.

I commend Mayor Kilpatrick and other leaders here for their work to organize to better share terrorism information. State and local fusion centers are key to the two-way flow of threat information and will greatly enhance our ability to share critical information between the Federal government and our partners at the State and local level. Regional fusion centers will enable states, regions, and cities to combine their considerable resources and expertise, creating a whole that is greater than the sum of its parts.

Sharing more information, though, can present a double-edged sword: in working together, we are able to access more and better intelligence from the local to the national levels, but we have to be vigilant in what we do with it, and how we do it.

It's not always obvious how to both protect the country from physical attack and safeguard privacy and civil liberties. We must worry about dispersed, agile, and

technologically savvy enemies doing their best to do us grave harm. How do we find them, while remaining true to our principles? How do we share more information, while also protecting privacy? How do we keep ourselves both safe and free?

People talk of safety and freedom - security and liberty - as a balance, and worry that if you have more of one, you necessarily have less of the other. I think of it this way – if we add more to the security side of the scale, we have to do things differently on the other side to safeguard our liberties, to keep the scale balanced.

It's tempting to think that keeping that scale balanced is a brand new challenge, that we must start on a blank slate and come up with answers for the first time. But just as I am not alone in protecting civil liberties, history shows that our generation is not the first in facing these challenges. Just look at the Constitution itself. Its preamble lays out this challenge plainly – the Constitution was ordained and established in order to “provide for the common defense” and to “secure the Blessings of Liberty to ourselves and our Posterity.” The Constitution is here to do both – provide for our defense and safeguard our liberty.

History also shows that no person – and no organization – is perfect. We faced this challenge - how to keep ourselves both safe and free - in the 1970's, when we developed rules for the conduct of intelligence activities following the abuses that were investigated by Congress in that era. Each President since then has kept those rules in effect. Those rules require that we pursue our mission in a “vigorous, innovative, and responsible manner that is consistent with applicable law and the Constitution and respectful of the principles upon which this country was founded.” Adhering to those rules has been part of the fabric of the intelligence community.

So although the task of protecting privacy while sharing information sounds like a new and unique problem, it is not. I know that federal, state and local agencies have for years been focused on protecting privacy when sharing information in the criminal and civil justice systems and between law enforcement agencies. And privacy is the subject of a panoply of federal and state laws and policies, all of which provide real protections – and real guidance – on how to share and protect at the same time.

At the Federal level, we have recently developed recommendations for privacy guidelines for the Information Sharing Environment. This process has been led by my office, the Program Manager's office, and the Department of Justice, with close involvement of the Department of Homeland Security and others. These recommendations establish uniform procedures that Federal agencies must use to implement privacy protections. Under the proposed guidelines, agencies must, among other things, identify any personal information that might be shared, determine whether and how it can be shared under applicable laws and policies, and put in place a process for ensuring that privacy rules are followed, audited and enforced.

We recognize that state and local governments face their own rules and challenges. The guidelines call for engaging with state, local, and tribal governments to develop and implement policies that provide similar protections. It is imperative that we work in partnership to create this trusted environment to both share and safeguard information.

In doing this, we are reinforcing existing partnerships and forging new ones. But our most important partnership is not within the federal government, or even with state and local governments – it is with the American people. It is our most sacred trust. We

cannot do our jobs at any level of government – we cannot protect this country and our communities – without that trust. We must continuously demonstrate that we are worthy of that trust.

We do that by showing respect – respect for privacy, for civil liberties, and for the vibrant diversity that makes our country so strong. We do that by reaching out to the Arab American, Muslim American and other communities that have felt vulnerable after September 11 – not only by respecting every person's civil liberties, but also by welcoming every community's contributions to making America safer. In sum, we demonstrate we are worthy of the trust of the American people by living up to the words of our founding fathers.

The dialog we have today must endure. Together, we must be vigorous, innovative, and responsible in both sharing and safeguarding information. We must protect our country while respecting our founding principles. We must keep our country safe while remaining true to our oath – to support and defend the Constitution of the United States.

Thank you.