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**Remarks as delivered by  
James R. Clapper  
Director of National Intelligence**

**Open Hearing on Foreign Intelligence Surveillance Authorities  
U.S. Senate Select Committee on Intelligence  
Thursday, September 26, 2013  
216 Hart Senate Office Building, Capitol  
Washington, D.C.**

Chairman Feinstein, Vice Chairman Chambliss, distinguished members of the Committee.

Thank you so much for having us here today, to talk about the way ahead, occasioned by the dramatic revelations about intelligence collection programs since their unauthorized disclosure, and about the steps we're taking to make these programs more transparent, while still protecting our national security interests.

And thanks to you especially, Madam Chairman and Senator Chambliss, for your staunch leadership and stalwart support.

I'm joined today, of course, by Deputy Attorney General, to my left, Jim Cole, and Director of NSA, General Keith Alexander.

We each have statements, and so I will transition to General Alexander, and thence to Mr. Cole.

This hearing is a key part of the discussion our nation needs, about legislation that provides the Intelligence Community with authorities, both to collect critical foreign intelligence, and to protect privacy and civil liberties.

We, all of us, in the Intelligence Community, are very much aware that the recent unauthorized disclosures have raised serious concerns, both here in Congress, and across the nation, about our intelligence activities.

We know that the public wants both to understand how its Intelligence Community uses its special tools and authorities, and to judge whether we can be trusted to use them appropriately. We believe we have been lawful, and that the rigorous oversight we've operated under has been effective. So we welcome this opportunity to make our case to the public.

As we engage in this discussion, I think it's also important that our citizens know that the unauthorized disclosure of the details of these programs has been extremely damaging.

From my vantage, as DNI, these disclosures are threatening our ability to conduct intelligence, and to keep our country safe. There's no way to erase, or make up for, the damage that we know has already been done, and we anticipate even more, as we continue our assessment, and as more revelations are made.

Before these unauthorized disclosures, we were always, as you know, conservative about discussing the specifics of our collection programs, based on the truism that the more adversaries know about what we're doing, the more they can avoid our surveillance. But the disclosures, for better or worse, have lowered the threshold for discussing these matters in public. So, to the degree that we can discuss them, we will.

But this public discussion should be based on an accurate understanding of the Intelligence Community: Who we are, what we do, and how we're overseen.

In the last few months, the manner in which our activities have been characterized has often been incomplete, inaccurate, or misleading, or some combination thereof.

I believe that most Americans realize the Intelligence Community exists to collect the vital intelligence that helps protect our nation from foreign threats. We focus on uncovering the secret plans and intentions of our foreign adversaries.

But what we do not do is spy unlawfully on Americans; or for that matter, spy indiscriminately on the citizens of any country.

We only "spy" for valid foreign intelligence purposes, as authorized by law, with multiple layers of oversight, to ensure we do not abuse our authorities. Unfortunately, this reality has sometimes been obscured in the current debate. And for some, this has led to a lowering of trust in the Intelligence Community.

And we do understand the concerns on the part of the public. I'm a Vietnam veteran, and I remember, as Congressional investigations of the 1970s later disclosed – and I was in the Intelligence Community then – that some intelligence programs back then were carried out for domestic political purposes, without proper legal authorization or oversight.

But having lived through that, as a part of the Intelligence Community, I can now assure [the] American people that the Intelligence Community of today is not like that. We operate within a robust framework of strict rules and rigorous oversight, involving all three branches of government.

Another useful historical perspective, I think, is that during the Cold War, the Free World and the Soviet bloc had mutually exclusive telecommunications systems, which made foreign collection a lot easier to distinguish. Now, world telecommunications are unified, intertwined with hundreds of millions of innocent people conducting billions of innocent transactions, with a much lesser number of nefarious adversaries who are trying to do harm on the very same

network, using the very same technologies. So, our challenge is to distinguish, very precisely, between these two groups of communicants.

Now, if we had an alarm bell that went off whenever one terrorist communicated with another terrorist, our jobs would certainly be a lot easier. But that capability just doesn't exist in the world of technology today.

Over the past three months, I've declassified and publicly released a series of documents related to both Section 215 of the PATRIOT Act and Section 702 of the Foreign Intelligence Surveillance Act, or FISA. We did that to facilitate informed public debate about the important intelligence collection programs that operate under these authorities.

We felt that in light of the unauthorized disclosures, the public interest in these documents far outweighed the potential additional damage to national security.

These documents let our citizens see the seriousness, thoroughness, and rigor with which the FISA Court exercises its responsibilities. They also reflect the Intelligence Community's, particularly NSA's, commitment to uncovering, reporting, and correcting any compliance matters that occur.

However, even in these documents, we've had to redact certain information to protect sensitive sources and methods, such as particular targets of surveillance.

But we'll continue to declassify more documents. That's what the American people want, it's what the President has asked us to do, and I personally believe it's the only way we can reassure our citizens that their Intelligence Community is using its tools and authorities appropriately.

The rules and oversight that govern us ensure we do what the American people want us to do, which is protect our nation's security and our people's liberties. So I'll repeat: We do not spy on anyone except for valid foreign intelligence purposes, and we only work within the law.

On occasion, as you've described, as you've stated, we've made mistakes – some quite significant. But these are usually caused by human error or technical problems. And whenever we've found mistakes, we've reported, addressed, and corrected them.

The National Security Agency specifically, as part of the U.S. Intelligence Community broadly, is an honorable institution. The men and women who do this sensitive work are honorable people, dedicated to conducting their mission lawfully, and are appalled by any wrongdoing.

They, too, are citizens of this nation, who care just as much about privacy and constitutional rights as the rest of the public. They should be commended for their crucial and important work in protecting the people of this country, which has been made all the more difficult by the torrent of unauthorized, damaging disclosures.

That all said, we in the IC stand ready to work in partnership with you, to adjust foreign surveillance authorities, to further protect our privacy and civil liberties.

And I think there are some principles we already agree on.

We must always protect our sources, methods, targets, partners, and liaison relationships.

We must do a better job in helping the American people understand what we do, why we do it, and, most importantly, the oversight of our activities.

We must take every opportunity to demonstrate our commitment to respecting the civil liberties and privacy of every American.

But we also have to remain mindful of the potentially negative long-term impact of over-correcting the authorizations granted to the Intelligence Community.

As Americans, we face an unending array of threats to our way of life, more than I've seen in my 50 years in intelligence. We need to sustain our ability to detect these threats.

We welcome a balanced discussion about national security and civil liberties. It's not an either/or situation; we need to continue to protect both.

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