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THE NEW FBI: PROTECTING AMERICANS AGAINST TERRORISM

ROBERT S. MUELLER III*

Thank you Anthony. Thank you members of the American Civil Liberties Union. It is an honor to be here.

I welcome the opportunity to speak to you today, and I want to recognize the ACLU for its commitment to protecting our civil liberties. You have a long and proud history of standing up to defend the freedoms guaranteed to us by the Bill of Rights and the Constitution. The FBI and the ACLU share these values, as well as concern for the safety of all Americans.

However, since 9/11, many complex law enforcement issues have arisen, and on some of those issues, we disagree. In meetings with Anthony and other ACLU members, we have discussed some of these differences. I think that this exchange of ideas is important—especially with those who disagree. Because as a citizen of this country, I believe, like you, that our freedoms—including the right to disagree—are sacred.

The current situation reminds me of when I returned home after serving in Viet Nam. America was deeply divided over the war. I entered the University of Virginia Law School, where I had good friends who were conscientious objectors. We talked about the war, and how you define service to your country. Not surprisingly, we often did not agree. But in the process we gained respect for each other's views.

That is what I hope we can accomplish here today. I would like to continue a very important discussion taking place in our country right now by reflecting on three issues. First, the difficult challenges we as the FBI, and as a nation, face in addressing terrorism. Second, how the FBI has changed since 9/11 and why it is uniquely situated to carry out the counterterrorism mission. And third, the importance of protecting both our homeland and our civil liberties.

To understand the FBI's response to the terrorist attacks, you have to go back to September 11, 2001 . . . to that blue, cloudless morning. The World Trade Center towers have each

* Director, Federal Bureau of Investigation. This speech was delivered on June 13, 2003, to the American Civil Liberties Union 2003 Inaugural Membership Conference in Washington, D.C.

been struck by a plane. The towers have collapsed, killing how many? We do not know. A hijacked plane has plunged into the Pentagon, killing how many? We do not know. A plane originating from Newark is in the skies. Radar shows it heading toward Washington. Communication is lost. That plane crashes into a field in Pennsylvania. We learn from cell phone calls made by passengers on the doomed planes that they had been hijacked. We do not know by whom, or even how many hijackers are involved. Most importantly, we do not know if other terrorists in the United States are preparing a second wave of attacks.

For the FBI, the immediate challenge was to identify the hijackers, and anyone associated with them, and to uncover any other plots. Our 24-hour command center at Headquarters was operational within minutes of the first attack. In New York, being close to the Towers, we had to evacuate our space and operate from a garage, setting up a command post with 300 investigators from 37 different agencies.

The scope of this investigation is unprecedented. The FBI followed over 500,000 separate investigative leads, and conducted more than 167,000 interviews.

On September 10th, we had only 535 international terrorism agents around the world and only 82 at headquarters. Within days of the attack, almost 7,000 Agents were reassigned from other areas. Remember, too, during the next six months, the FBI was dealing with anthrax, the Daniel Pearl kidnapping, investigating the crash of an American Airlines flight in Queens, and participating in the security for the Salt Lake City Olympics.

America responded strongly and rapidly to the terrorist attacks of September 11th, and, thankfully, our country has not experienced further catastrophe. In less than two years, we have made substantial progress against Al Qaeda. But the war is far from over. Removing the sanctuary of Afghanistan was a huge loss to Al Qaeda, as has been the apprehension of many of its senior leaders. But despite our progress, Al Qaeda still seeks to attack us, and they have the capacity to do so.

Al Qaeda, of course, is not the only threat. Prior to September 11th, Hezbollah had killed more Americans than any other terrorist group. Other terrorist organizations have launched strikes: like the one we saw on Khobar Towers in Saudi Arabia in 1996. And, we cannot forget domestic terrorists who operate in our own country. They also use violence to intimidate and coerce Americans, and they are also a deadly threat, as we came to understand by the April 1995 bombing in Oklahoma City.

Recent terrorist attacks abroad have provided more stark reminders of the deadly threat posed by groups and individuals with the desire and the ability to kill. I have just returned from the Middle East, where I met with my counterparts in a number of countries. In Tunisia we discussed the attack on a synagogue, where 14 German tourists were killed. In Saudi Arabia we reviewed the investigation into the May 12th bombings of three compounds in which 34 people were killed, eight of them Americans. In Morocco we discussed the Casablanca bombings of May 16th in which 41 people died. And in Israel I met with Shin Bet and our other counterparts where deaths from terrorism are, tragically, an everyday occurrence.

Despite the success of these and other attacks, it is important to remember that many have been prevented. How many Americans would have died if anti-government extremists had blown up two large propane fuel tanks in a populated area of Sacramento three years ago, as planned? Or if international terrorists had not been stopped from blowing up a series of New York landmarks in 1993? Or if Ahmed Ressam had succeeded in bombing Los Angeles International Airport on New Year's Eve in 1999?

This history of prevented, and executed attacks, bears testimony to the difficult challenges posed to our country by terrorism. The fact is that terrorist groups behave much like deadly viruses. Their reach is global in nature, they are tenacious, and they adapt quickly to increase their chances of survival. The evolving nature of terrorist groups is why we can report progress in the war on terror, and yet say the threat is still there. In order to root out terrorism, law enforcement must also be ready and able to change.

The September 11th attacks against New York and Washington changed the course of history. They changed the meaning of national security for the United States and dramatically shifted FBI priorities so that the prevention of terrorist attacks became the FBI's top priority and overriding focus. While we remain committed to our other important national security and law enforcement responsibilities, the prevention of terrorism takes precedence in our thinking and planning; in our hiring and staffing; in our training and technologies; and, most importantly, in our investigations.

With this shift in priorities has come a major shift in our operations. We have greatly increased the number of Agents devoted to terrorism. We have hired nearly 300 new counterterrorism translators specializing in Middle Eastern languages. We have completely overhauled our counterterrorism program.

Critical to preventing future terrorist attacks is improving our intelligence capabilities so that we can increase the most important aspect of terrorist intelligence information—its predictive value. We have taken a number of steps to build that capacity within the FBI. We have centralized our case information. We set up a National Joint Terrorism Task Force at FBI Headquarters, staffed by representatives from 30 different federal, state, and local agencies. It coordinates the two-way flow of information and intelligence between Headquarters and the 66 local joint terrorism task forces around the country. We have also quadrupled the number of strategic analysts at Headquarters. And we are building a cadre of more than 700 analysts nationwide. As a result of these efforts, we are now able to produce a better analytical product and to share that product more effectively with policy makers, with the intelligence community, and with our law enforcement partners.

Another key to the Bureau's transformation is the complete overhaul of our information technology systems to move the FBI from a paper-driven organization to one that employs the latest technology. We have brought in professionals from private industry to help bring the Bureau into the digital age. From the rollout of new hardware, to the upgrade of critical networks, to the redesign of investigative applications, we are making progress. Thanks to these new initiatives, we will soon have a system that will better search and analyze data and allow Agents to manage their case files electronically for the first time in history.

As we have been transforming the Bureau to meet new challenges, some have asked if America should instead create a new domestic intelligence agency. But I believe this would be a mistake.

Proponents of a separate agency see an advantage in separating law enforcement and domestic intelligence. They see a dichotomy between intelligence operations that prevent attacks and law enforcement operations that catch those who would commit terrorist acts. The reality is that the two functions are synergistic in the fight against terrorism. The combined responsibilities make the FBI uniquely situated to make strategic and tactical choices between our law enforcement options of arrest and incarceration and our intelligence options of surveillance and source development.

The global aspect of terrorism creates an even greater need for the FBI to integrate its intelligence program and criminal operations to prevent attacks. We have done this in ways a separate domestic intelligence agency could not. This approach has already paid off. Over the last 20 months, the FBI has identified,

disrupted, and neutralized a number of terrorist threats and cells by bringing criminal charges, demonstrating that one of the most effective ways to catch terrorists is by cracking down on their criminal behavior.

Because terrorists operate at every level—from local, to regional, to global—the terrorist threat must be fought at every level. Success depends on an extensive network of partnerships and alliances. As a result of our presence in communities across the U.S. and in our 45 international or “Legal Attaché” offices, the FBI already has the benefit of established relations with our partners in law enforcement. We have cultivated these relationships over time, and we must continue to expand and strengthen them.

Aside from its jurisdictional and organizational strengths, the FBI has another advantage that should not be underestimated—its people. The men and women of the FBI have the experience and the training to do their job within the framework of the Constitution. They are thorough, tireless, and fully committed to protecting Americans and their civil liberties. When it comes to working within the limits of the law, the FBI has hard-won experience making the difficult judgment calls that are sometimes necessary during investigations.

There have been mistakes in the past, but it is in response to those mistakes that the Bureau has become better. Over the years, strict legal limitations and vigorous oversight structures have been enacted to specifically regulate how domestic intelligence operations are conducted and enforce strict adherence to the Constitution. But we have to continue, of course, to evolve and make changes and adjustments as necessary.

The FBI puts a premium on thoroughly training our Special Agents about their responsibility to respect the rights and dignity of individuals. In addition to extensive instruction on Constitutional law, criminal procedure, and sensitivity to other cultures, every new FBI Agent makes a visit to the Holocaust museum to see for themselves what happens when law enforcement becomes a tool for oppression.

We live in dangerous times, but we are not the first generation of Americans to face threats to our security. Like those before us, we will be judged by future generations on how we react to this crisis. And by that I mean not just whether we win the war on terrorism, because I believe we will, but also whether, as we fight that war, we safeguard for our citizens the very liberties for which we are fighting.

So how do we—today and tomorrow—prevent, deter, or disrupt terrorist attacks before they have been initiated? How aggressively should the FBI investigate suspicious activity that might be related to terrorism? There are no easy answers. And these are precisely the issues that we wrestle with every day in the FBI, whether it be Agents in the field or personnel back at headquarters.

The men and women who serve in the FBI are devoted to upholding and protecting those laws. But we are also resolute in pursuing an investigation, and we do not—and I do not—shy away from using every tool that Congress has given us to protect Americans against terrorism. Using those tools we must concentrate on obtaining the facts and presenting them in an objective, unbiased manner to prosecutors, to our oversight committees, and to decision makers who forge policy and legislation.

As we seek this information and these facts to prevent future terrorist attacks, the FBI will live up to its obligation to protect the citizens of the United States as well as the rights afforded to each citizen under our Constitution. In our free and open society there is no guarantee that there will never be another terrorist attack. Therefore, we must thoroughly investigate every threat, whether at home or abroad, while carefully observing the Constitutional rights of all.

The ACLU seeks to prevent the “tyranny of the majority” from destroying our fundamental liberties. But in fighting terrorists, we seek to prevent the “tyranny of the minority” from destroying our fundamental way of life. The FBI will be judged not just on how we effectively disrupt and deter terrorism, but also on how we protect the civil liberties and the Constitutional rights of all Americans, including those who wish us ill. We must accomplish both, so that future generations can enjoy lives that are both “safe” and “free.” The FBI is dedicated to protecting Americans, and America’s freedoms, and we will.

Enjoy your stay in Washington. It was an honor to be invited to speak to you.