Deputy Secretary James Loy's Remarks at Kent State Symposium on Democracy

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Good evening, thank you for having me here tonight.

And thank you, President (Carol) Cartwright, for that introduction.

This event provides an important opportunity to discuss -- and debate -- the nexus between democracy and homeland security.

In many ways, democracy and homeland security here in the United States are synonymous; after all, what would be left to protect if not the very foundation of democracy on which this country has existed for 227 years?

And what would a democracy be worth, if we could not provide protection and security for our citizens?

The answers -- in my opinion -- are obvious. We must have both a thriving democracy and a robust security apparatus for the United States to continue as the world's greatest home for freedom.

But you don't have to take my word for it. Our Founding Fathers had the same conversation in the 18th Century and came to the same conclusion.

Benjamin Franklin famously stated that "they that can give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

Franklin and others were also smart enough to write these important concepts down -- placing into eternity the essential tenets of our democracy.

The Constitution lays out plainly this purpose: "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

The purpose of homeland security in general -- and the Department specifically -- is the same, secure our democracy from those who wish it -- and us -- harm.

As you know, homeland security is not about one Department, one level of government or one organization. It is a national call to action, a philosophy of shared responsibility, shared accountability, and shared leadership.

When the terrorist threat is directed at an entire nation, only an entire nation, working in close cooperation, can deter that threat. Gathering our forces to meet this challenge is an "all-hands" effort, not unlike the Rosie the Riveters of WWII. Everyone must stand up and be counted.

That is why it is great to see so many people participating in this symposium. The academic community has an important role to play in the development of our homeland security strategy -- especially as incubators for future leaders, novel ideas, and new technologies that will define our efforts in the coming years and decades.

What will that future look like? We began to understand on September 11th, 2001. That morning, we passed into a far more menacing frontier of warfare, with the potential for far more horrifying consequences. International terrorism had become "the new totalitarian threat."

Terrorism anywhere, weighs heavily on the hearts of freedom-loving people everywhere. And while we are keen to the threat, each new attack -- whether in America, in Bali, in Jakarta, in Baghdad, in Istanbul, or in Madrid -- is shocking, is saddening, and is a vivid reminder that our emotions of September 11, 2001 must not be dulled by the passage of time.

While terrorism is not a new phenomenon, we must recognize that in the 21st Century, it is different, fundamentally different. It is not the localized terrorism of Ireland or even the Middle East. It is something very different and something much more sinister. We are only beginning to learn about it.

The great forums of academia in this country offer the places to learn, to create, to innovate, to decide and to influence. We have opened University-based Homeland Security Centers of Excellence that will be dedicated to preventing terrorist strikes and minimizing the consequences of an attack. Each center will have a different research...
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Each center will have a different research focus. The first, at the University of Southern California, will assess the level of risk associated with various terrorist scenarios -- as well as their potential economic consequences.

With a new enemy, there is still so much to learn. We now face an enemy with no flag, no borders, no president, nothing but deeply held hatred and a desire to see our country -- and our citizens -- harmed. Many of us pondered in the middle of the 90's, what's the "next big thing"? I think that question is now answered.

Terrorists, after all, were able to turn airplanes into missiles, with an "army" of fewer than two dozen men, and a budget of roughly a half million dollars. They showed that they are adaptable, patient, and opportunistic. But they also showed that fear, catastrophic destruction and mass murder are their clear objectives.

They also understand the importance of the economic underpinnings to our democracy and to our quality of life. They are smart, thoughtful, and capable as well as seemingly without any moral foundation.

In response, immediately following 9-11 we understood that to secure our country we would have to become increasingly adaptable, rapidly innovative, and decisively responsive. In other words, we would have to fight this 21st Century enemy in a 21st Century way.

What that means, we continue to unravel. That's OK. We work at it daily and very hard -- and as we do, the picture gets clearer and clearer.

One aspect of the picture that has become increasingly clear over the past month -- in the wake of the train bombings in Madrid -- is the relentless requirement to keep our sense of urgency. In Spain, terrorists struck innocent people only days before the free and democratic elections in that country.

Here in America, we will soon enter a season that is rich with symbolic opportunities for the terrorists to try to shake our will. Americans will dedicate the World War II Memorial in Washington; host International Monetary Fund meetings in Washington, D.C. and the G-8 Summit in Georgia; celebrate Independence Day; travel to Athens for the Olympics; hold political conventions in Boston and New York; followed, of course, by our own elections, the traditional holidays and inaugural in 2005.

With so many symbolic gatherings in the next few months, we will accelerate our focus on critical infrastructure protection. These targets of opportunity for the terrorists are opportunities that can't be missed to tighten our security.

We will increase our vigilance, mitigate our vulnerabilities, and enhance our response capabilities so that they are poised and ready. There's a lot going on around the country already. And wherever possible, we will ratchet it up.

This increase in awareness and response is part of the overall strategy of the Department of Homeland Security -- one that the Secretary laid out in our recently released Strategic Plan. It includes a vision and mission statement, as well as strategic goals and the core values of our Department. The Secretary chose our first anniversary to market his interpretation of the President's direction to DHS in the National Strategy for Homeland Security.

The Plan includes seven enunciated goals: awareness, prevention, protection, response, recovery, service, and organizational excellence, and they each deserve their own speech. What they really do is describe an organizational vision and direction for our workforce and for America to rally behind.

This new vision starts with a blueprint for the coming year. Secretary Ridge has identified seven key priorities for the department, each with specific actions that we are committed to achieving by March 1, 2005.

First, we will improve our information sharing and infrastructure protection, namely by improving partnerships within the government and with the private sector to strengthen vertical communication systems and significantly increase permanent protections around our nation's most vital assets.

Second, many of us know that part of the tragedy of September 11th was that equipment didn't work across jurisdictions and disciplines. Fire department radios couldn't transmit to police department radios and the couplings that attach "hoses to hydrants" simply weren't compatible -- even between nearby neighborhoods.

And so, we must work together to establish truly interoperable communications and equipment -- to give first responders the tools to do their jobs -- in a way that replaces outdated, outmoded relics with an innovative and integrated system.

Next, we'll broaden and enhance the security measures on our borders and at our ports, by expanding US-VISIT, FAST Lanes, and CSI, all the while continuing to facilitate the free flow of legitimate goods and people.

Just as important as local governments and private companies are citizens. So, over the next year, Homeland Security will focus its efforts on raising the baseline level of preparedness across the nation, through new programs such as Ready for Business and Ready for Schools.
Our desire is that nearly half of all Americans, in some form or combination, will be better prepared by the end of 2004 -- whether that's by preparing family Ready kits and emergency plans; volunteering to aid in disaster planning; or engaging in CPR and training exercises to help someone in a life-threatening situation.

In addition, we will be working to improve the service we provide to immigrants and visitors to our country and continue our quest to build the Department of Homeland Security as a model cabinet agency for the 21st Century.

Lastly, we operate every day with the knowledge that our enemies are changing based on how we change. As we shore up one vulnerability, they work to uncover another. This is why science and technology is key to winning this new kind of war.

The work we do at Homeland Security, in partnership with the private sector, national laboratories, universities and research centers, helps us push the scientific envelope, and drive the development of high technology to combat the weapons of high consequence.

As to our challenges with the 4th Amendment:

All of the additional security capabilities that we are building have not, will not, and cannot ever come at the expense of our individual liberties. The Department's Strategic Plan, which I mentioned earlier, contains powerful statements of our deep commitment to the protection of civil liberties -- we are building this commitment into the culture, the very fabric of the Department.

The very first of our Guiding Principles is to "protect civil rights and civil liberties," and that flows directly from our vision statement "preserving our freedoms." In addition, we are the only federal agency that has assigned two senior advisors, reporting directly to the Cabinet Secretary, who focus on helping the leadership shape policy in ways that enhance, rather than detract from, the personal liberties of all persons protected by our laws.

This Department has an absolute commitment to the notion that we can dramatically improve our security envelope without abridging our freedom and liberty along the way.

Let me give you some examples.

The country has been working to develop a security tool called the Computer Assisted Passenger Prescreening System II -- or CAPPS II. The purpose of this program is to minimize threats to passenger and aviation security by determining which passengers should undergo additional scrutiny prior to boarding an aircraft. Quite simply, we want to prevent terrorists from ever again boarding a plane with the intention to harm Americans again.

CAPPS II would conduct risk assessments of passengers before they get onto an airplane -- using three pieces of information. One, the passenger name record -- or PNR -- from the airline, which includes name, address, phone number, date of birth and the flight number and itinerary information for a passenger.

Second, the system will establish an authentication score that provides a screener with an indication that the passenger present is who they say he or she is.

Lastly, using watch lists and government databases containing information on known terrorists, CAPPS II will generate a "risk score" that will determine whether a passenger receives additional security checks before being allowed to board a flight.

As I have described it, CAPPS II is more than just a database -- it is a partnership between the public and private sector that will lead to tactical awareness -- information that we can act on to make airline travel safer for everyone.

However, when dealing with critical information, privacy must be of the utmost concern. It is not enough that CAPPS II makes us more secure -- it must also protect and enhance our liberty.

When the Department of Transportation first published notice of the intent to create the CAPPS II database, many people were concerned that it walked too close to the edge of Franklin's warning about giving up liberty in the name of temporary safety.

That is why the Department of Homeland Security published an additional notice that further detailed the strict privacy protocol that would be followed in the formation of this critical security tool.

This notice takes into account public concern about privacy issues in seven key areas:

- Records Maintenance: from 50 years to a matter of days
- Access: from limited to specified and improved
- Oversight: from no public advocacy to Congressional oversight
CAPPS II has evolved into a system that respects our fundamental right to privacy and provides additional security through a simple identification check. Most importantly, it allows us to prevent terrorist attacks before they occur.

After all, that is why we are all here in the first place. It is not enough to theorize about the future, or simply resign ourselves to remembering the past. We must take hold of the present and take action to keep our country -- and our democracy -- safe from terrorists.

President Bush and Congress did just that when they enacted the USA Patriot Act. The Patriot Act brought down the artificial wall separating law enforcement and intelligence officers and made measured changes to laws that enable the federal government to better track terrorists, disrupt their cells, seize their assets, and share information with partners at the state and local level.

These changes have already paid off. Recently, police in Portland, Oregon turned up evidence about a local man who was planning attacks on Jewish schools and synagogues, and on American troops overseas.

Because of the surveillance tools enacted by the Patriot Act, the FBI learned that this man was part of a seven-man terrorist cell. In this case, the Patriot Act gave local and federal law enforcement officials the capacity to better understand the intelligence they received and to disrupt a potentially dangerous terrorist cell, before they were able to hurt innocent Americans.

Many of the important provisions in the Patriot Act are set to expire next year. The President has begun urging Congress to renew the Patriot Act -- so that intelligence agencies and law enforcement will continue to have the tools they need to stop terrorists before they strike and make America more secure.

One last example. The Department has just issued new procedures to govern the way immigrants are arrested as part of a national security investigation. We now ensure that those arrested will have timely notice of the charges against them; adequate conditions while they are confined; and improved access to the legal system. These new procedures also keep attorneys from arguing for blanket policies of closing hearings or of denying bond.

I am so pleased to report that these efforts to protect immigrants have been widely praised in the advocacy community, from the ACLU to the leading Arab-American organizations. And in each of these cases, CAPPS II, Patriot Act, and many others, we are striving for the same level of acceptance from those most concerned with protecting the liberty all Americans enjoy and expect.

Thomas Paine once said that "Those who expect to reap the blessings of freedom, must...undergo the fatigues of supporting it."

The nexus of civil liberties and homeland security brings up sensitive issues because so much is at stake -- and because Americans have always been willing to undergo the fatigues of protecting our democracy. Today, we must be willing to protect our homeland along with -- not at the expense of -- the liberty and freedom we cherish as a nation.

The freedom we have inherited from Thomas Paine's generation -- Franklin, Jefferson, and others; brings about an obligation to pass it on to our children and grandchildren. We protect it while we're on watch, so it can -- in turn -- be enjoyed by those we love the most.

Thank you for giving your best to ensure that the United States is -- and continues to be -- the world's greatest home for freedom -- and all who seek the blessings of liberty. We look forward to doing so together.

Thank you.