



The Truth About Executive Order 12333

August 18, 2014

By ALEXANDER W. JOEL
Politico Magazine

Alexander W. Joel is the civil liberties protection officer for the Office of the Director of National Intelligence and reports directly to Director of National Intelligence James R. Clapper.

In the Aug. 14 issue of the *New York Times*, reporter Charles Savage [describes](#) whistleblower actions taken by former State Department employee John Napier Tye. Tye, who was the section chief for Internet freedom in the State Department's Bureau of Democracy, Human Rights, and Labor before stepping down in April, questioned whether the rules governing certain overseas intelligence surveillance activities adequately protect information that intelligence agencies "incidentally collect" about Americans while targeting the communications of foreign nationals overseas. In a *Washington Post* [op-ed](#) on July 18, Tye pointed out that such intelligence collection may be regulated not by the Foreign Intelligence Surveillance Act (FISA), but by Executive Order 12333. That order, updated in 2008 by President George W. Bush, helps govern the activities of the intelligence community.

Under EO 12333, intelligence agencies may collect, retain, and disseminate information about Americans "only in accordance with procedures ... approved by the Attorney General ... after consultation with the Director [of National Intelligence]." Tye noted that he is not familiar with the details of these procedures, but nonetheless said that Americans should be troubled by "the collection and storage of their communications" under the executive order.

As the civil liberties protection officer for the director of national intelligence (DNI), I work with intelligence agencies on these procedures, and would like to describe how they safeguard privacy and civil liberties.

...

Continue reading at [Politico Magazine](#)