



Director James R. Clapper Interview With Andrea Mitchell

DIRECTOR JAMES R. CLAPPER INTERVIEW WITH

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Andrea Mitchell, NBC News Chief Foreign Affairs Correspondent: Director Clapper thank you very much for letting us come out here and interview you on the subject of all these leaks and how it has affected American intelligence gathering. Does the Intelligence Community feel besieged by the fact that these Top Secret documents are getting out?

James R. Clapper, Director of National Intelligence: Well I think we are very, very concerned about it. For me it is literally, not figuratively, literally, gut-wrenching to see this happen, because of the huge, grave damage it does to our intelligence capabilities. And of course, for me, this is a key tool for preserving and protecting the nation's safety and security. So, every one of us in the Intelligence Community most particularly the great men and women of NSA, are very – are profoundly affected by this.

Ms. Mitchell: How has it hurt American intelligence?

Director Clapper: Well, while we're having this debate, this discussion, and all this media explosion, which, of course, supports transparency -- which is a great thing in this country, but that same transparency has a double edged sword -- and that our adversaries, whether nation-state adversaries or nefarious groups – benefit from that transparency. So as we speak, they're going to school and learning how we do this. And so, that's why it potentially has -- can render great damage to our intelligence capabilities.

Ms Mitchell: At the same time, when Americans woke up and learned because of these leaks that every single telephone call made in the United States, as well as elsewhere, but every call made by these telephone companies that they collect is archived, the numbers, just the numbers and the duration of these calls, people were astounded by that. They had no idea. They felt invaded.

Director Clapper: I understand that. But first let me say that I and everyone in the Intelligence Community who are also citizens, who also care very deeply about our privacy and civil liberties, I certainly do. So let me say that at the outset. I think a lot of what people are reading



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and seeing in the media is hyperbole. A metaphor I think might be helpful for people to understand this is to think of a huge library with literally millions of volumes of books in it, an electronic library. Seventy of those books are on bookcases in the United States, meaning that the bulk of the world's infrastructure, communications infrastructure, is in the United States. There are no limitations on the customers who can use this library. Many of millions of innocent people, doing millions of innocent things, use this library, but there are also nefarious people who use it -- terrorists, drug cartels, human traffickers, criminals also take advantage of the same technology. So the task for us in the interest of preserving security and preserving civil liberties and privacy, is to be as precise as we possibly can be. When we go in that library and look for the books that we need to open up and actually read, you think of them, and by the way, all these books are arranged randomly, they are not arranged by subject or topic matters, and they are constantly changing. And so when we go into this library first we have to have a library card, the people that actually do this work, which connotes their training and certification and recertification. So when we pull out a book, based on its essentially electronic Dewey Decimal System, which is zeros and ones, we have to be very precise about which books we are picking out, and if it is one that belongs or was put in there by an American citizen or a U.S. person, we are under strict court supervision, and have to get strict, have to get permission to actually look at that. So the notion that we're trolling through everyone's emails and voyeuristically reading them, or listening to everyone's phone calls is on its face absurd. We couldn't do it even if we wanted to, and I assure you, we don't want to.

Ms. Mitchell: Why do you need every telephone number? Why is it such a broad vacuum cleaner approach?

Director Clapper: Well, you have to start someplace. If and over the years this program has operated we have refined it and tried to make it ever more precise and more disciplined as to which things we take out of the library. But you have to be in the chamber in order to be able to pick and choose those things that we need in the interest of protecting the country, and gleaning information on terrorists who are plotting to kill Americans, to destroy our economy, and destroy our way of life.

Ms. Mitchell: Can you give me any examples where it has actually prevented a terror plot?

Director Clapper: Well, two cases that come to mind, which are a little dated, but I think in the interest of this discourse, should be shared with the American people, they both occurred in 2009, one was the aborted plot to bomb the subway in New York City in the fall of 2009. And this all started with a communication from Pakistan to a U.S. person in Colorado. And that led to the identification of a cell in New York City who was bent on a major explosion, bombing of the New York City subway. And a cell was rolled up and in their apartment we found backpacks with



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bombs. A second example, also occurring in 2009, involved one of those involved, the perpetrators of the Mumbai bombing in India, David Headly. And we aborted a plot against a Danish news publisher based on the same kind of information. So those are two specific cases of uncovering plots through this mechanism that prevented terrorist attacks.

Ms Mitchell: Now Americans might say, “Yes, but terrorists succeeded in Boston at the marathon. Terrorists have succeeded elsewhere and not been thwarted despite all this information gathered by the NSA?”

Director Clapper: Right, Well, that's true and I find it a little ironic that several weeks ago after the Boston bombings, we were accused of not being sufficiently intrusive. We failed to determine the exact tipping point when the brothers self-radicalized. And then it was, we weren't intrusive enough. I don't mean to be a smart guy here, it's just emblematic of the serious debate that goes on in this country between the two poles of security, and civil liberties and privacy. And what we must, and I thought the President spoke really articulately about this yesterday in California. And he is exactly on the money. The challenge for us is navigating between these two poles. It's not a balance, it's not an either or. There has to be that balance so that we protect our country and also protect civil liberties and privacy.

Ms Mitchell: What the President said in part was that you can't have 100% security and then you have 100% privacy and zero inconvenience. We're going to have to make some choices as a society. There are accidents. NBC was told by one of your predecessors, Dennis Blair, that in fact, one digit was inaccurately inputted back in 2009 and it was a completely innocent person whose telephone conversations were actually eavesdropped.

Director Clapper: Right, there is no question, and I certainly wouldn't want to leave the impression that this process as complex and voluminous as it is, is perfect. Certainly it isn't. What we do try to do though is when errors are detected, and understand most of this is done through a computer process, it is not being done directly through human eyes and ears, but the computer processes are directed by humans and when we discover errors, which in all cases I am familiar with were innocent and unintended, they are immediately corrected and any of the ill begotten information is destroyed. And this is all done in response to court oversight and court direction.

Ms. Mitchell: There are people on the Hill who support your work strongly, Senator Feinstein among others, who say, “Can it be narrowed? Should we take another look at this and in fact, ask the FISA Court” -- the intelligence court last December during reauthorization debate -- “can you report back to the American people, periodically” and the court said, “No.” The court operates without ex parte' and without any countervailing arguments doesn't it? Should that be



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a cause of concern to Americans? Tell us why it should be in your view?

Director Clapper: Well certainly it should be a cause of concern to Americans, it is a cause of concern to us. And if we find ways, and we have found ways where we can refine these processes and limit the exposure to American's private communications, we will do that. In fact, Senator Feinstein has tasked us to look at such an innovation, specifically the NSA, and we owe her an answer in about a month. There are also, of course, people very, very concerned about civil liberties and privacy among whom for example, is Senator Wyden, whom I have great respect for. And he is passionate about civil liberties and privacy and he is averse to, and this gets to the second part of your question, averse to so-called secret law. Well, this gets to the issue of how openly these things are discussed. Because while transparency is good for our system, others less ideally motivated are taking advantage of that. Our perspective, from the Intelligence Community perspective, preserve and protect the secrecy because by exposing the tactics, techniques and procedures we use, our adversaries go to school on that and they make it even harder for us.

Ms. Mitchell: Senator Wyden made quite a lot out of your exchange with him last March during the hearings. Can you explain what you meant when you said there was not data collection on millions of Americans?

Director Clapper: First, as I said, I have great respect for Senator Wyden. I thought though in retrospect I was asked when are you going to start--stop beating your wife kind of question which is, meaning not answerable necessarily, by a simple yes or no. So I responded in what I thought was the most truthful or least most untruthful manner, by saying, "No." And again, going back to my metaphor, what I was thinking of is looking at the Dewey Decimal numbers of those books in the metaphorical library. To me collection of U.S. Persons data would mean taking the books off the shelf, opening it up and reading it.

Ms. Mitchell: Taking the content.

Director Clapper: Exactly, that's what I meant. Now...

Ms. Mitchell: You did not mean archiving the telephone numbers?

Director Clapper: No.

Ms. Mitchell: Let me ask you about the content.

Director Clapper: This has to do of course, somewhat of a semantic perhaps some would say



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too cute by half, but there are honest differences on the semantics when someone says “collection” to me, that has a specific meaning, which may have a different meaning to him.

Ms Mitchell: Well, what do you say also, I should ask you what do you say to the other senators who are not on the committees? Not on the intelligence committees who have been invited in to read before these laws are reauthorized, and now are criticizing. Is there enough information available to the rest of the United States Senate and the rest of the members of Congress who are not expert when they go in before they vote?

Director Clapper: Well...

Ms. Mitchell: Do they know what they are voting on?

Director Clapper: I trust so. Obviously our primary two interlocutors are two intelligence oversight committees, both in the House and in the Senate. And so they are used to operating in a classified environment. Their staffs are, so that is primarily with whom we will do business. But on a piece of legislation say in this case the FISA Amendment Act, we provided detailed briefings and papers on this to explain the law, to explain the process it was governing. Now, I can't comment on whether senators and representatives were all able to avail themselves, but that material was made available and certainly if any member whether on the intelligence committee, the Judiciary Committee or any other committee would, who had asked for a specific briefing or follow up questions we certainly would respond, would have responded.

Ms. Mitchell: There were slides and details about the other programs. Programs on Internet providers. It has been referred to as “Prism” but technically it is 702 programs and according to The Washington Post report on that, it was a disgruntled intelligence officer who provided that Top Secret information to The Guardian and The Washington Post. How do you feel about that?

Director Clapper: Well, I think we all feel profoundly offended by that. This is someone who for whatever reason, has chosen to violate a sacred trust for this country. So we all look upon it no matter what his or her motivation may have been, the damage that these revelations incur are huge. And so I hope we are able to track down whoever is doing this because it is extremely damaging to, and it affects the safety and security of this country.

Ms. Mitchell: Can I assume from that, can I infer that there has been a referral to track down the leak?

Director Clapper: Absolutely. NSA has filed a crimes report on this already.



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Ms. Mitchell: And some people would regard this person, he or she, as a whistleblower and a hero for letting the American public know that their emails are being tapped into and that their privacy is being invaded.

Director Clapper: There are legitimate outlets for anyone within the Intelligence Community who feels that some law is being violated, for reporting fraud, waste and abuse, and there are legitimate mechanisms for reporting that both within the Executive and in the Congress without damaging national security. And for whatever reason, a person or persons doing this chose not to use those legitimate outlets.

Ms. Mitchell: How do these programs work? Some of the Internet providers deny that they are cooperating so they seem to not be knowing.

Director Clapper: The Internet, the service providers – I'll speak generically – are doing this, but it is done under a court order and under legally mandated, legislatively mandated procedures. And it's, these are very precise, they're not indefinite and they have to be renewed and the court has to approve them.

Ms. Mitchell: The President and you and the others in this Top Secret world are saying, "Trust us. We have your best interest. We're not invading your privacy. We're going after bad guys. We're not going after your personal lives." What happens when you're gone, when this President or others in our government are gone? There could be another White House that breaks the law. There could be another DNI who does really bad things. We listened during the Watergate years to those tapes where the President of the United States saying, "Fire bomb the Brookings Institution." You know, what do you say to the American people about the next regime who has all these secrets? Do they live forever somewhere in a computer?

Director Clapper: No they don't live forever. That's a valid concern, I think. People come and go, Presidents come and go. Administrations come and go. DNIs will come and go. But what is, I think, important about our system is our system of laws, our checks and balances. You know, I think the Founding Fathers would actually be pretty impressed with how what they wrote, and the organizing principles for the country are still valid and are still used even to regulate a technology that they never foresaw. So that's timeless, those are part of our institutions. Are there people that will abuse these institutions? Yes, but we have a system that sooner or later, mostly sooner these days, those misdeeds are found out.

Ms Mitchell: And the data that are collected, do they live forever?

Director Clapper: No they do not. We...there are strict retention period limits, which are



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overseen first by me, and the Attorney General, by the court system, and by the Congress, to ensure that the data collected is not held in perpetuity.

Ms. Mitchell: Now there's been another leak, in the last couple days. This one is another Top Secret order, ordering -- from the President -- ordering senior intelligence officials to draw up a list of potential overseas targets for cyber attack. How do you deal with a situation where there is a leak a day it seems of Top Secret information?

Director Clapper: Well, it's hard to deal with. It is again as in the case of this Presidential Directive an egregious violation of a sacred trust. That anyone who would have access to this would choose on his or her own, to violate that trust and disseminate this to the media. I would be surprised if anyone else were surprised if we weren't at least thinking about our behavior in the cyber domain. And so what this does is lay out a conceptual framework to include some definitions, for how we think about that.

Ms Mitchell: At a time when we're telling the Chinese you have invaded our businesses and our weapons systems, and you have to take responsibility for what's coming from your territory, don't these leaks undercut our arguments?

Director Clapper: Well they, perhaps, I think there is an understanding among nation states that we are going to monitor each others behavior. We do it. Other major nationstates do it as well. But I also think that there are limits, and just how aggressive that is and that's the reason for, I think, discussion among certainly industrialized nations for rules of the road for how we behave in cyber land.

Ms. Mitchell: We were told, NBC News reported that Senator John McCain during the campaign, had written a letter, a draft letter to the Taiwanese leader congratulating the new Taiwanese leader. And it was in the computer of his campaign. It hadn't been sent yet and he got a call from the Chinese government complaining about a letter that he had sent, that had not yet been sent to Taiwan, of course, China's acknowledged rival or enemy. How did that happen?

Director Clapper: Well, it happens because of the technology and the global nature of the Internet, and the connectivity that we all benefit from. But there are also downsides and this is a case in point. To me, what this illustrates is the importance of improved cyber security. A whole other subject. And also, the vulnerability that we all have when we use media of any form that is publically accessible.

Ms. Mitchell: I know what you're basically, your job is to stop the bad guys. To stop terrorist



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attacks.

Director Clapper: Right.

Ms. Mitchell: And how much is that compromised by the current atmosphere of suspicion and criticism, and the feeling that the American public may not be supporting the effort in the future, and in the past has been very supportive?

Director Clapper: Well that's of great concern. That's of great concern to me, and all the Intelligence Community leadership that we cannot function without the support of the American people. We are, ourselves, part of the American people. And the vast majority of people in the Intelligence Community, whether military or civilian, take this as a point of honor, point of duty, of service to the country. They're not in it for the money, certainly, and they're not in it for the glorification. And so if people don't feel that way and don't trust the Intelligence Community to do the right thing, well that is a serious concern. And it is a serious personal concern of mine.

Ms. Mitchell: Do you know how many people had access to the Top Secret documents that were leaked to The Washington Post and The Guardian? Are we talking a handful? Hundreds?

Director Clapper: Well, I'd rather not go into that because that could kind of could impact the investigation that's going on. So I'd rather not answer that.

Ms. Mitchell: And are new procedures being put in to try to protect against this flow of leaks?

Director Clapper: Well, we've...we're constantly trying to institute new procedures. I'm in the process of attempting to institute some practices and policies that will try to stem the hemorrhaging of leaks, the leaking that we've had in recent years. But this is a tough problem because when it boils down to it, we operate -- even though we have clearances and we have SCIFs and secure areas -- when it all boils down to it, it is all about personal trust. And we've had violations of that personal trust in the past and we will continue to have them, and all we can do is learn lessons from when we find out what caused a revelation like this and make improvements and go on.

Ms. Mitchell: You know, a lot of this has to do with technology. Both the people's adaptation to it and the fear of it. We saw it in the Boston Marathon case how the number of cameras that were out there -- security cameras - private and government really did help. New York City is another instance. We get used to things like Homeland, a television series that apparently the President himself watches, with amazing technology. Is that the world we have to get used to?



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Director Clapper: Well, I think it is and I think that you know, the pace of technology change, which by the way, poses a problem from both policy and a legal standpoint to keep up with rapid changes in technology, which is becoming ever more pervasive in our society. And you spoke of the surveillance cameras in Boston, which were crucial to tracking down the perpetrators, the two brothers. But at the same time, you know when you are on the Beltway and you have a radar gun that's looking at you and if you are under the speed limit you know you're not bothered. Photo cameras that take pictures of license plates and you get something in the mail saying you violated the speed limit. So those are all emblematic of today's society. The same providers who helped analyze our behavior, our purchasing behavior – well all of this is both an upside and a downside of this burgeoning technology.

Ms. Mitchell: Finally, your message to those who say, ACLU and others, we feel invaded, we don't know when you are looking at us or listening in on our conversations, and what is the real benefit? Why should we give up so much privacy? Can it be done better?

Director Clapper: We're trying to minimize those invasions of privacy and keep them to an absolute minimum and only focus on those targets that really do pose a threat and to not invade anyone's privacy, communications, telephone calls, emails if they are not involved in plotting against the United States. And so, as we, as the technologies changes that we were just talking about, we have to adapt as well to both provide that security and also ensure civil liberties and privacy.

Ms. Mitchell: Thank you very much Director Clapper.

Director Clapper: Thank you for having me.