



KEEPING AMERICA SAFE:  
HOMELAND SECURITY POST-SEPTEMBER 11<sup>TH</sup>

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## TWENTY-FIRST CENTURY CHALLENGES

Keeping America safe is a solemn responsibility requiring constant diligence. Our country faces unprecedented challenges: a financial system in crisis, rising home foreclosures, staggering unemployment. We are waging two wars, and facing threats of violence and terrorism from both outside and inside our borders. We must directly address these threats to secure our nation's safety and prosperity. To do so responsibly requires diplomatic leadership and international cooperation, as well as respect for individual civil rights.

## STRONG LEADERSHIP

Throughout my twenty-plus years in public service, I have developed and exercised the leadership skills needed to tackle safety concerns and balance civil rights. As an Assistant District Attorney and a Special Attorney for the Department of Justice, I developed investigative and trial skills to hold accountable those who cause physical and financial harm to victims. As Middlesex District Attorney and Massachusetts Attorney General, one of my most important responsibilities was and is to ensure the safety of the people of Massachusetts. I have demonstrated strong leadership in protecting the people of Massachusetts from family violence, violent crime, human trafficking, financial fraud, and corruption. I have a strong record of working collaboratively with federal and state law enforcement, community leaders, technological innovators, as well as victims of crime and their families, to address the threats to our public safety and develop and implement prevention models.

In the aftermath of the terrorist attacks of September 11<sup>th</sup>, I met with state and federal law enforcement officials to analyze our strengths and vulnerabilities and plan for emergency measures that were needed in Massachusetts. As Attorney General, I serve as a member of the Anti-Terrorism Activation Council ("ATAC"), where I work with officials to coordinate state and federal responses to future public emergencies such as a terrorist event. The ATAC is made up of top federal and state law enforcement.

In order to ensure our safety, law enforcement and other public officials must have effective, cutting edge tools and effective communication to do their jobs. After the murders at Columbine High School, I hosted SECURE (Safe and Effective Community Understanding and Response to Emergency), an annual community emergency preparedness training conference for school and emergency personnel. We trained with leading experts, including the Secret Service, FBI and mental health clinicians to discuss case histories and develop best practices for responding to emergencies, particularly in our schools. As Attorney General, I worked with a coalition of legislators, District Attorneys, and law enforcement organizations to file a comprehensive economic crime bill.<sup>1</sup> This legislation would provide law enforcement with more tools to fight economic crimes and would also allow law enforcement to utilize wire interception technology consistent with strict civil liberty protections, which are indispensable in fighting large-scale criminal enterprises.

As Attorney General, I have focused on equipping law enforcement with the most innovative and effective resources and the latest technology to combat terrorism. I secured funding from the Department of Justice to develop our statewide Cyber Crime Initiative that provides training, expertise, and the framework for prosecuting crimes with cyber components. My office has worked with some of the nation's top forensic experts and investigators to train more than one thousand law enforcement officers to investigate and analyze evidence in cases ranging from violent crimes like murder and child abuse to complex financial crimes such as identity theft and credit card fraud. Our state-of-the-art computer forensic laboratory uses 21<sup>st</sup> Century technology to retrieve text messages, videos, pictures, and various other digital evidence from computers and mobile devices. In light of these technological achievements, the Cyber Crime Division won the 2009 Computer and Enterprise Investigations Conference ("CEIC") Excellence in Computer Forensics Award as the one of the premier computer forensics labs in country.<sup>2</sup>

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<sup>1</sup> An Act to Combat Economic Crime, 2009 (Massachusetts Senate Bill 2183).

<sup>2</sup> The 2009 Computer and Enterprise Investigations Conference (CEIC) Excellence in Computer Forensics Award. Business Wire, Guidance Software Announces Ninth Annual Digital investors Technology Conference--CEIC(R), May 15, 2009, <http://investors.guidancesoftware.com/releasedetail.cfm?releaseid=384315>.

Our national security is fundamentally about protecting our liberty and ensuring that we are free from danger, from the violence in our homes and on the streets of our own communities to large-scale terrorist attacks. In my twenty-plus years of public service, I have worked to make sure that the citizens of Massachusetts enjoy the fruits of our liberty.

## FACING THE THREATS OF POST 9-11 AMERICA

After the attacks of September 11<sup>th</sup>, the independent, bipartisan National Commission on Terrorist Attacks Upon the United States, also known as the 9-11 Commission, examined the failures in our nation's preparedness and immediate response to the attacks, and developed measures to prevent future attacks. While Congress has enacted some of the recommendations from the 9-11 Commission Report ("Commission Report"), I believe more work needs to be done to keep America safe. The Commission Report presents us with potential strategies for keeping our nation safe.

### PORT AND BORDER SECURITY

One of the most important ways to protect America from terrorism is to secure our borders, airports, and seaports. To meet the screening and security demands posed by threats of terrorism, we must direct our resources to developing technology and programming that increase the efficacy of security measures.

The Commission Report issued recommendations for improving airport security, but the Transportation Security Administration ("TSA") has not been given sufficient resources to carry them out.<sup>3</sup> To keep us safe, the TSA must develop a comprehensive plan that allocates security resources in a cost-effective way. The TSA must focus on more sophisticated and effective methods of security screening, including multiple-layer screening measures, better screening of

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<sup>3</sup> 9-11 Commission Report. Ch. 12 "What to do? A Global Strategy" 12.4 "Protect Against and Prepare for the Terrorist Attacks." P. 391. [http://govinfo.library.unt.edu/911/report/911Report\\_Ch12.htm](http://govinfo.library.unt.edu/911/report/911Report_Ch12.htm).

employees and others with special access to equipment and information, more sophisticated technology to detect explosives, and a targeted devotion of resources to mitigate the threat posed by unmanned cargo holds.

Unscanned container ships also pose a unique threat to our national security. Cargo from 700 foreign ports enters American ports – including Boston – every day, but we cannot be confident that all the contents are safe. The 2008 recommendations of the GAO’s report on the United States Customs and Border Protection Division of the Department of Homeland Security (“CBP”), has suggested a goal of scanning 100 percent of all U.S. bound cargo containers.<sup>4</sup> Scanning left solely to American customs officials may miss dangers posed by high-risk cargo. I support a scanning plan with international customs standards to allow more inspections by personnel of host countries. Its success depends upon a sufficient workforce to monitor scanning, proper concern about the efficacy of examination systems in host countries, and standardized performance measures to determine how effectively certain scanning programs increase security. As Senator, I will work to establish standards and procedures for ensuring cargo containers are free of unauthorized, hazardous chemical, biological, radiological or nuclear materials, because the safety of container ship cargo must be a priority.<sup>5</sup>

Border security is important to protect our nation. As Senator, I will support sensible security measures like tighter information control and better training for customs officers and border patrol agents. Homeland Security’s Terrorist Watch List is crucial for managing who enters the country, but it has been overbroad. I support making it easier and quicker for those victimized by mistake to clear their names from the “watch lists.” As Senator, I will support implementing the recommendations of the Commission Report to develop cost effective strategies for better understanding and controlling the risks posed by our ports and borders.

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<sup>4</sup> Caldwell, Stephen L. Supply Chain Security: Challenges to Scanning 100 Percent of US-bound Cargo Containers. Testimony before the United States Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, Committee on Commerce, Science and Transportation. June 12, 2008, page 1, <http://www.gao.gov/new.items/d08533t.pdf>.

<sup>5</sup> Bill to Improve Port and Intermodal Supply Chain Security (Senate Bill 915).

## TOOLS FOR LAW ENFORCEMENT

As a result of the 9-11 Commission Report recommendations,<sup>6</sup> the FBI has increased its focus on preventive counterterrorism, cyber crime, and cyber security. In Washington, I will support legislation that would create the Office of the National Cyber Security Advisor.<sup>7</sup> President Obama has made cyber security a top priority for his Administration, and I commend him for conducting a comprehensive cyberspace policy review earlier this year.<sup>8</sup> With a National Cyber Security Advisor, we can identify and provide the resources necessary to address the growing threat of cyber crime in an increasingly digital world. We can defend our valuable information and infrastructure, while also protecting the privacy rights and civil liberties of our fellow citizens. In Washington, I will use my experience both fighting cyber crime and protecting civil liberties to ensure our communications and information infrastructure is secure.

As 85 percent of our national, critical infrastructure is operated by the private sector,<sup>9</sup> the first responders to any significant emergency event are likely to be civilians. In the Senate, I will support initiatives to educate, train, equip and integrate civilian first responders into emergency networks. I will work on behalf of state and municipal first responders such as police, fire and emergency ambulatory services, to provide the best available equipment and training. We have already made great strides at the national level to foster coordination among federal agencies. In Washington, I will make sure that homeland security agencies continue to coordinate effectively with state and federal law enforcement.

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<sup>6</sup> Final Report of the National Commission on Terrorist Attacks Upon the United States, The 9-11 Commission Report, July 22, 2004, pg. 403.

<sup>7</sup> A bill to Establish Within the Executive Office of the President, the Office of the National Cyber Security Advisor (Senate Bill 778).

<sup>8</sup> “Cyberspace Policy Review: Assuring a Trusted and Resilient Information and Communications Infrastructure” [http://www.whitehouse.gov/assets/documents/Cyberspace\\_Policy\\_Review\\_final.pdf](http://www.whitehouse.gov/assets/documents/Cyberspace_Policy_Review_final.pdf).

<sup>9</sup> United States Government Accountability Office, Report to Congressional Requesters, Influenza Pandemic Opportunities Exist to Address Critical Infrastructure Protection Challenges that Require Public and Private Sector Coordination, October 2007, GAO-08-36, <http://www.gao.gov/products/GAO-08-36>.

## NUCLEAR SAFETY

One of the greatest threats to our national security is the potential for terrorists to manipulate our nuclear resources. As the Commission Report made clear, there are critical steps we can take to help ensure our ongoing safety and security.<sup>10</sup> We must address the threats posed by nuclear plants and nuclear waste within our borders. As Attorney General, I filed a rulemaking petition with the Nuclear Regulatory Commission (“NRC”), requesting that the NRC address the risks of spent fuel pools at Pilgrim and Vermont Yankee nuclear plants. If targeted by terrorist, these spent fuel pools could lead to a catastrophic event.<sup>11</sup> As Senator, I will continue to champion efforts to secure nuclear waste and nuclear power sites so they are not vulnerable to attack. The Pentagon is currently conducting a review of the role, size, and composition of our nuclear stockpile. As Secretary of State Clinton has suggested, we must review its findings carefully with the intent of moving away from dangerous Cold War thinking, while remaining strong in the face of nuclear threats from Iran and North Korea. Further, it is imperative that we take an international approach to controlling the spread of nuclear weapons.

## PROTECTING OUR ARMED FORCES

The brave men and women of our armed forces risk their lives keeping America safe. However, our military is currently overstretched. The National Guard now pursues overseas combat assignments beyond the scope of its mission, leaving our homeland more vulnerable when disasters like Hurricanes Katrina and Rita hit. Our armed forces are often returning to Iraq and Afghanistan for multiple tours, without adequate notice or time for recovery. Our troops should be healthy, well trained, and fully equipped to do their jobs. We must increase access to the benefits they earn and ensure they are treated with respect and dignity after sacrificing so much. In Washington, I will work to ensure service members are provided with transition counseling,

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<sup>10</sup> 9-11 Commission Report. Chapter 7 “The Attack Looms,” Section 7.4 “Final Strategies and Tactics.” p. 243 [http://govinfo.library.unt.edu/911/report/911Report\\_Ch7.htm](http://govinfo.library.unt.edu/911/report/911Report_Ch7.htm).

9-11 Commission Report. Ch. 12 “What to do? A Global Strategy” 12.4 “Protect Against and Prepare for the Terrorist Attacks.” p. 387, [http://govinfo.library.unt.edu/911/report/911Report\\_Ch12.htm](http://govinfo.library.unt.edu/911/report/911Report_Ch12.htm).

<sup>11</sup> “Press Release: General Martha Coakley’s Office Appeals Decision by Nuclear Regulatory Commission Related to Pilgrim and Vermont Yankee Power Plants.” May 6, 2009. Accessed 28 October 2009. [http://www.mass.gov/?pageID=cagopressrelease&L=1&L0=Home&sid=Cago&b=pressrelease&f=2009\\_05\\_06\\_nrc\\_brief&csid=Cago](http://www.mass.gov/?pageID=cagopressrelease&L=1&L0=Home&sid=Cago&b=pressrelease&f=2009_05_06_nrc_brief&csid=Cago).

military families are able to stay in their homes, red-tape surrounding the new G.I. Bill is cleared, and research into the diagnosis and treatment of traumatic brain injuries and post-traumatic stress disorder is supported.

Senator Kennedy was a tremendous advocate for our men and women in uniform. He fought for body armor and armored Humvees, and was leading the fight for Mine Resistant Ambush Protected (“MRAP”) Vehicles in Iraq and Afghanistan. Such vehicles greatly reduce American casualties from Improvised Explosive Devices (“IEDs”).<sup>12</sup> Some small, all-terrain MRAPs have been shipped to Afghanistan, but more are needed. In Washington, I will lead the fight to make certain they are delivered. We must ensure no American soldier is sent into battle without the appropriate resources either abroad or once they return home.

## PROTECTING INDIVIDUAL RIGHTS

When addressing threats to our national security, we must balance our ideals of liberty and due process. As Middlesex District Attorney, I worked with the Muslim community in Massachusetts after September 11<sup>th</sup> to make sure that their civil liberties were protected. As President of the Massachusetts District Attorney’s Association, I declared unequivocally that hate crimes against Muslims spurred by the attacks would not be tolerated. As Attorney General, my staff and I met regularly with Muslim leaders from across the Commonwealth to keep communication open and foster mutual trust.

I opposed post-September 11<sup>th</sup> security measures that infringed on civil liberties. As Attorney General, I testified before the Massachusetts Legislature's Joint Committee on Veterans and Federal Affairs against the federal REAL ID, the proposed national identification card.<sup>13</sup> I testified that the act would unduly burden the Commonwealth, spur a dangerous black market, increase the risk of identity theft, and foster a climate of unproductive and possibly discriminatory suspicion and fear. I hold many of these same concerns about the Pass ID, the

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<sup>12</sup> Raz, Guy. “New Mine Resistant Vehicles Aimed at Foiling EIDs.” National Public Radio. May 18, 2009. Accessed October 28, 2009, <http://www.npr.org/templates/story/story.php?storyId=10241461>.

<sup>13</sup> Coakley, Martha. Testimony of Attorney General Martha Coakley. Joint Committee on Veterans and Federal Affairs. Boston, MA. June 14, 2007, [http://www.mass.gov/Cago/docs/press/2007\\_06\\_14\\_real\\_id\\_testimony\\_attachment.pdf](http://www.mass.gov/Cago/docs/press/2007_06_14_real_id_testimony_attachment.pdf).

most recent initiative meant to replace the REAL ID. The Pass ID alleviates some of the financial burden on states,<sup>14</sup> but it still impacts privacy and civil liberties. We must resist security measures that only appear to advance public safety aims, but in actuality, lack the capability of keeping us safe.

We must balance keeping America safe with protecting individual civil rights and civil liberties. The post-September 11<sup>th</sup> PATRIOT Act was an attempt to protect Americans from terrorists, but it sacrificed some of our most treasured civil liberties. President Obama recently called for the reauthorization of three key provisions of the Act,<sup>15</sup> while remaining open to much-needed changes.<sup>16</sup> This stance reflects the importance of providing law enforcement with the latitude it needs to fight terrorism, while also remaining cognizant of the risks posed by such legislation. In the Senate, I will work to ensure that any proposed security legislation or PATRIOT Act reauthorization has a meaningful impact on our national security and minimal infringement on the privacy and freedom of our citizens.

My experiences as Middlesex District Attorney and Attorney General have provided me a first-hand understanding of the tools members of law enforcement need to keep Massachusetts and our nation safe. Only by working together can we fulfill America's promise as a moral leader in the world and as a safe and secure nation that is a true sanctuary for all those within its borders.

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<sup>14</sup> S.1261 PASS ID Act. 111<sup>th</sup> Congress, 1<sup>st</sup> session. Introduced June 15, 2009. Reported by committee July 29, 2009, <http://www.govtrack.us/congress/billtext.xpd?bill=s111-1261>.

<sup>15</sup> Savage, Charlie. "Battle Looms Over the Patriot Act." *New York Times*. New York, New York. September 19, 2009, <http://www.nytimes.com/2009/09/20/us/politics/20patriot.html>.

<sup>16</sup> Weich, Ronald. Letter to Senators Richard J. Durbin and Russell D. Feingold. Office of the Assistant Attorney General. Washington D.C. September 14, 2009, <http://politics.theatlantic.com/Durbin-Feingold%20091409.pdf>.