Center for Strategic and International Studies

“A Conversation with FBI Director Wray and National Security Lawyers on Civic Education as a National Security Imperative”

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JOHN J. HAMRE: Good afternoon, everybody. My name is John Hamre. I’m the president here at CSIS. And I want to welcome you to what’s going to be a very, very interesting conversation. This is a continuation of the series we’re doing on the national security imperative for civics education. That may sound odd, but during the last year we’ve all experienced startling things about how we need to reinforce the importance of civics and civics understanding American society.

It’s a national security imperative and we’re really grateful that today we have the privilege to have the director of the FBI, Christopher Wray, with us. I will not – his time is limited, so I’m going to be just very brief to say how grateful we are he’s devoted his lifetime to law enforcement and public service. He has had the opportunity to be in the private sector, but we keep pulling him back. And it’s because every time he is in public life, we’re all benefitting from it. You all take a look at his resume yourself, but I don’t want to take any more time.

Director Wray, your service is so valuable to the country. We’re so grateful you’re willing to share your time with us today. Thank you. Let me turn to you.

CHRISTOPHER WRAY: Well, thank you, John. I appreciate the kind words. And I of course appreciate the chance to talk about the importance of civic education to our national security and to the FBI’s work. I thought maybe I’d offer a few initial thoughts to sort of set the table, and then I look forward to having more of a conversation with Suzanne.

I think maybe the best place for me to start is to define what at least I think of as civic education. And I’m reminded of something that President Reagan said in his farewell address, when he spoke about the need for what he called an informed patriotism, one that’s grounded in thoughtfulness and knowledge. And that strikes me as a pretty good shorthand for what civic education should do, create informed patriots who know our history and actually understand how our democratic institutions work.

So how does civic education intersect with our national security, and specifically with the FBI’s work? Really in a whole bunch of ways, I think. But for the purposes of our conversation, I think I’d highlight two in particular. First, it intersects with some of the threats the FBI and our nation confront today. And second, it can shape how we do our work. So let me take each of those in turn.

One example of how civic education affects a current national security threat is election security, and more broadly the problem of malign foreign influence, which has been a top concern for the FBI recently. We’re the lead federal agency for identifying and combating malign foreign-influence operations that target U.S. democratic institutions and values, things like the rule of law, free and fair elections, an independent judicial system, and freedom of speech and of the press.

Our adversaries are doing all they can to undermine those institutions and to confuse and divide Americans by spreading disinformation, especially through social media. So the FBI has been working very hard to combat those efforts, along with our partners in government and, very importantly, the private sector. And we’ve actually had a good deal of success.

But at the end of the day, no amount of FBI investigating can, by itself, sufficiently insulate our country from this threat. Ultimately our best defense is a well-informed public, citizens who are thoughtful, discerning consumers of all the information that’s out there and who have a solid understanding of how our democratic institutions work. An American public of informed patriots will
be a lot more resilient against these malign-influence efforts. And that in turn will make it a lot harder for our adversaries to succeed.

The second place that I was referring to, where civic education intersects with the FBI’s mission, concerns how we do our work of protecting the American people. One thing I’ve really been trying to stress to our folks since I started in this job is the importance of process, of making sure we always do the right thing, yes, but do the right thing in the right way.

We can’t carry out the FBI’s mission without the trust and support of the American people. So we have to make sure that we’re always doing our work in a way that’s professional, objective, and that earns, that justifies, that trust and support.

Another way to put it is that when people ask the FBI to do something, I think there is and should be a unique expectation that it’s going to get done right, in every sense of that word. We’re the people others turn to when it’s particularly important that something get done right. And the more important it is, the more people turn to us with that expectation. And that confidence is at the heart of a lot of things we do, like our public-corruption investigations or our civil-rights investigations. And it’s a trust that the FBI cannot afford to lose.

So I think civic education comes into play here too, because a well-informed public will have a better understanding of what the FBI really does, and why and how we actually do it. And that kind of understanding, I would argue, is important for really any government agency, but it’s especially important for us because we’ve been given such broad powers.

Citizens need to know, is the FBI upholding the Constitution and the rule of law? Are we – to come back to the phrase I used before, are we doing the right thing in the right way? So take something like our surveillance work, which is crucial for us in catching corrupt public officials, child predators, foreign spies, and terrorists. The FBI can’t surveil someone just because we want to. We have to go to an independent judge to show evidence of probable cause and get a warrant.

Or take our FISA authorities. FISA has been in the news a lot over the last couple of years. If we suspect someone is a foreign spy or terrorist and we want to listen to their phone calls or read their emails, we’ve got to present evidence and get a warrant from the FISA court to do that.

When citizens have a good understanding of the Fourth Amendment and how warrants work and the safeguards we’ve got in place, they’ll have that much more confidence the FBI is using that tool appropriately. And obviously if we’re not doing things the right way, an informed public will be better prepared to hold us accountable for that.

The last point I’ll make is that to me civic education is important for helping our FBI workforce understand both the importance of our mission and of doing things in the right way. So when we’re hiring, we’re looking for those informed patriots, obviously. And once they’re actually on board, their training involves some things that you might think of as almost an ongoing civic education.

So, for example, all our new agents and intelligence analysts at Quantico visit the 9/11 Memorial and Museum in New York. We want them to understand the magnitude of what happened to our country that day, how it changed the Bureau and how crucial our counterterrorism work remains almost two decades later. They also visit the Holocaust Museum to experience in a kind of gut level way the horror of what can happen when people in government abuse their power, and they visit the
Martin Luther King Memorial here in D.C. as a reminder of how the FBI itself hasn’t always used our authority in the right way.

All of these things drive home, each in its own way, the stakes of our work at the FBI, the sheer impact we can have, good or bad, on all the citizens who are counting on us. And so if our employees can recognize the abuse of power and understand how our own organization has sometimes fallen short, they’ll be less likely to make those same mistakes.

So those are a few reasons, from our perspective at the FBI, why civic education is critical to our national security, and I’d be happy to drill into some of these topics with Suzanne more deeply here in a second. But thanks again for inviting me and for focusing on this issue, which I think is incredibly important.

SUZANNE SPAULDING: Director Wray, thank you for those terrific remarks. And for those who are watching, I am Suzanne Spaulding. I’m the senior advisor here at the Center for Strategic and International Studies where I lead the Defending Democratic Institutions Project. And I want to echo Dr. Hamre’s welcome to all of you to this latest installment in the year-long strategic dialogue that we have been hosting on civics as a national security imperative, which is made possible by funding from Craig Newmark Philanthropies.

Director Wray, in your remarks today you talked about the threat of foreign malign influence and disinformation. Now, for the last three years, the Defending Democratic Institutions Project that I lead here at CSIS has been working to understand and counter adversary attacks on our democracy and our democratic institutions with a particular focus on Russian disinformation that undermines public trust in our justice system, including courts and law enforcement.

You and your team have been looking at this for quite some time. How dangerous do you think these information operations, disinformation from our adversaries – how seriously should we be taking this?

MR. WRAY: We take it extremely seriously. You know, at the end of the day, part of what I would consider a crucial component of America’s strength and credibility in the world and the strength of our country internally turns on trust in government and understanding of government. And especially given the challenge of combating misinformation with social media these days, it’s that much more elusive a target to go after.

I mean, the FBI is not – and this gets back to the whole civics thing – the FBI is not and can’t be the truth police. We can identify foreign actors and go after them and take certain steps within our authorities and working with others to prevent them from spreading disinformation. But we can’t roam around social media looking for things that might be false and then correcting them.

There is a role for that but that’s not the FBI’s role, and that’s why I said in my opening comments how important I think having a thoughtful discerning public is because that’s really the best insulation we can have against what you, I think, rightly are focused on as a very serious threat.

MS. SPAULDING: Well, and the challenge that you face is further complicated by the trend that we’ve seen. You know, in 2016, Russia focused on manufacturing content at the Internet Research Agency in St. Petersburg, Russia. But, increasingly, they’ve moved towards simply amplifying
domestic voices and, indeed, domestic disinformation has become a more and more significant part of the problem. So how does that complicate the task that the FBI faces?

MR. WRAY: Well, it complicates it enormously. On the one hand, disinformation is not a new thing. The Russians and other countries have been involved in it for decades. But what is relatively new is the role of social media in particular in amplifying, to use your word, that threat. It provides a bullhorn that is, you know, scalable, cheap, and incredibly effective.

And so, again, trying to figure out ways to get the American public to be thoughtful about what it’s reading, what the source of the information is, getting your news from multiple sources, all those sorts of things become incredibly important to insulating us against that threat. But it’s going to take a whole of government and whole of society, really. And that’s not a phrase that I just rattle off lightly. If there’s a role for the government, different agencies, there’s a role for the private sector, especially in the technology industry in particular. But there’s also a role of every American in guarding against the threat you’re talking about.

MS. SPAULDING: Yeah, absolutely. And a threat it is. I mean, you talked about how seriously you take it. And I think we certainly saw with the events of January 6th how dangerous, you know, some of the misinformation, disinformation online can be in terms of manifesting itself in the real world. And you put out a statement on January 7th in which you talked about we do not tolerate violent agitators and extremists who use the guise of First Amendment protected activity to incite violence and wreak havoc. Such behavior betrays the values of our democracy.

And you have testified repeatedly about what a significant challenge domestic terrorism is in our country today. And, you know, as we talk about ways in which we work to counter efforts to undermine trust in our institutions, it seems to me you do, again, have a significant challenge. How do you convince the American public and how do you think about the need to robustly address this threat of domestic terrorism – of domestic violent extremism – while maintaining that public trust that you spoke about, that you’re doing things the right way, consistent with our values and the Constitution?

MR. WRAY: So this is obviously something that’s very much top of mind the last couple years, and certainly the last couple months. You know, as you say, we need to make sure we’re going about it in the right way. And that – part of that, in the context of domestic terrorism, is making sure people understand that our focus, the FBI’s focus, is on violence and criminal activity, not First Amendment expression, no matter how abhorrent, despicable, hateful, or anything else that rhetoric or expression might be. There is a role for calling out hateful rhetoric. It’s just not the FBI’s role. What we’re about is going after – when that ideology, rhetoric manifests itself in violence or criminal activity.

And the more people understand that that’s what we’re going to do, the more they can have confidence that they’ll be protected, but that also their constitutional rights will also be protected. You know, I keep using this phrase, “in the right way.” That not only applies, though, to what the FBI does and how we do what we do, but I would argue in the context of domestic terrorism it applies to the American public. And by that I mean, there is a right way to express your disagreements with an election, or your unhappiness with the court system, or the criminal justice system. That’s part of what our country is founded on. But violence against law enforcement, and government officials, and destruction of federal property is not the right way to express those views.
And we have to have zero tolerance for that. And I think the more people understand this concept of “the right way,” you know, I find that we are in a world in which people are fixated almost to a fault on results. And so what that ends up meaning is that – if your standard for whether you trust a government institution is whether it yields the result you want, we’re heading down a dangerous road. So if you’re standard for whether you trust an election is whether your candidate won, there are going to be a whole lot of people that are going to be disappointed every single time. If your standard for whether you trust the court system or the criminal justice system is whether a particular person got convicted or acquitted, same thing.

The more people understand how these institutions work, how they do what they do, the limitations they have, et cetera, the more likely there is to be trust in those institutions, which in turn hopefully addresses some of the drivers of the violent extremism that we’ve seen manifested not just on January 6th but in different ways over the summer as well.

MS. SPAULDING: Yeah. I think that’s such a great point. And I like the way you describe the results – or the objective of civics education to create informed patriots who are able to be thoughtful and critique the system and institutions, you know, while working to make our country stronger to bring about changes. And it does seem to me that, you know, what we’re seeing in the decline of civic education, it’s not just what surveys show about how many people can’t name the three branches of government, but as you say that how those branches work, how our institutions are designed to work, and importantly how individuals must play a role in holding them accountable and empowering individuals to be effective agents of change. And so what would you say to folks who are hearing this and who are thinking, OK, how can I as an individual help hold the FBI accountable for living up to the oath that all of us take?

MR. WRAY: Well, I think, you know, one is understanding that very little of what we do at the FBI lends itself to a 10-second soundbite or a 150-character tweet. It’s nuanced. It’s complicated. It’s meaningful. And so getting your news about the FBI, just like I would recommend about just about everything else, from a variety of sources and being thoughtful about it would be a good start.

In addition, with the FBI in particular, in every one of our 56 field offices – so everyone listening in on this has a field office that would be the closest to them – we have something called the FBI Citizens Academy, which takes the concept that I just articulated kind of to the next level, where you can become part of a group of citizens, and it takes about a year, and you meet, you know, a few times a year, and you get educated in a much more substantive way about what we do. Then you stay involved as alumni. And there are citizens from a variety of jobs and roles in the community, and like I said, it’s happening all over the U.S. and has been happening for a number of years now. So we in a sense are trying to cultivate our own group, if you will, around the country of informed patriots who understand what the FBI does. And then you know the right questions to ask, you know when we’ve screwed up if we do screw up, and you’re better able to call us on it.

MS. SPAULDING: Yeah. That’s terrific. You know, I – this is one of the things that we’ve been talking a lot about in this strategic dialogue that we’ve been holding on civics as a national security imperative, is, you know, how do we create this sense of urgency to increase civic literacy and a sense of civic identity and shared values across this country. And it does seem that we have a moment here that there is an increasing awareness of how we have under-resourced and undervalued civic education in this country.
There’s legislation that’s been introduced in both the House and the Senate by a bipartisan group of senators and members of Congress to reinvigorate civics education. Civics Secures Democracy, I think, is the name of that legislation. A roadmap was just released, Educating for Democracy Roadmap. The Cyberspace Solarium Commission included a recommendation to reinvigorate civics education, to build civic responsibility around cybersecurity and disinformation.

So there is a lot that needs to be done. I think we need a year of civic renewal. And I would just ask, you know, as a closing – I know your time is limited here with us – as we think about how to bring civics alive for students and for adults all across America, I think about some of my formative experiences when I was growing up in Washington. My mother worked on the Hill, and when I had school holidays I’d go in with her and wander around the Capitol, wander in and out of hearing rooms, and sit in the galleries at the House and Senate, and that was – that was sort of my introduction in the real world to civics. What were some of your formative experiences either, you know, growing up or in your career that really gave you that real-world sense of our civic responsibility?

MR. WRAY: Well, I was smiling to myself. There’s two anecdotes that come to mind, one taking it a little bit from the perspective of a parent as opposed to a child, related to my daughter, and one that I experienced early on in my tenure as FBI director.

So when I was a line prosecutor, my daughter was probably four or five years old and they had dads day at her nursery school. And the teacher sent out to all the little boys and girls a series of questions, and they’ve written the answers that they got from the kids out on these construction-paper teddy bears, and they put the teddy bears all over the bulletin board. And one of the questions, of course, is what does your dad do at work. So we all show up. All the dads were standing there. We’re looking at these teddy bears. And the guy next to me keeps kind of looking over at me, so I look over at him. And he said, hey, man, do you mind if I ask what you do for a living? And I looked back at my daughter’s teddy bear and said, my daddy and his friends put bad guys in jail and help keep us all safe. And I thought, huh. And then I looked over at his teddy bear and it said, my daddy talks on the phone all day so mommy and I can buy nice stuff.

MS. SPAULDING: (Laughs.)

MR. WRAY: And, you know, in that moment I thought, all right, you know, I’m doing something for a living that even a five-year-old little girl with a giant ribbon in her hair actually appreciates as meaningful and impactful.

The other story that comes to mind from my time as director, which has been on my mind a lot lately with all the domestic terrorism, one of – I went to all 56 of the FBI’s field offices by the end of my first full year. And when I went to Oklahoma City in particular, I met with the family of a victim of the Oklahoma City bombing. And specifically, I met – you probably have seen – most of you have probably seen, there’s a famous photograph of the Oklahoma City bombing of a firefighter holding a baby who had been murdered in that attack, a one-year-old. And I met with the mom of that murdered one-year-old. And it turns out she had a younger sister who never knew her older sister because she was killed in the attack.

Well, the younger sister’s name is Bella. And fast forward, you know, years later from the Oklahoma City bombing. Bella is, you know, basically college-age. And guess what Bella wants to do for a living. She wants to work at the FBI. And she knows the FBI through how we investigated that attack and how we dealt with the victims and their families.
And so I try to say to our people, think about all the Bellas out there who – and that’s not an isolated example. You know, victims and their families, if they see the way we operate and the impact we can have for good and for bad, it shapes their view about at least one government institution in a way that lasts forever.


Thank you very much, Director Wray. Your commitment to civic education is reflected in your willingness to carve out time to be with us today. I know you’ve got a lot going on. So thank you so much.

MR. WRAY: Well, thank you, Suzanne. I’m really encouraged to see you all focusing on this very fundamental and important topic.

MS. SPAULDING: Thank you.

MR. WRAY: Take care.

MS. SPAULDING: So as the director departs for his busy day, I would ask all of you to remain on, because we have a tremendous panel that is still to come. We’re going to go right into it. And I have the good fortune of introducing the moderator for our panel, my good friend Elizabeth Rindskopf Parker.

Elizabeth is a consultant with the Defending Democratic Institutions Project and has been really a guiding force from the very beginning of this project and has really been leading our civics effort here in the context of that project. She is also a former chair of the ABA Standing Committee on Law and National Security at the American Bar Association and a lifelong – a lifetime counselor to the committee, and a member of the Council on Foreign Relations.

But Elizabeth’s real expertise for this panel of national-security lawyers is that she has held, I think, probably more national – top-level national-security legal positions than I think anyone I know. She was general counsel of the NSA. She was principal deputy legal adviser at the Department of State, and she was general counsel at Central Intelligence Agency, which is where I met her as a junior attorney in OGC at CIA.

After that public service, she was the general counsel for the 26-campus University of Wisconsin system. She was then dean of the McGeorge School of Law at the University of the Pacific in California. And she founded the Journal on National Security Law and Policy. And she was most recently executive director of the State Bar of California.

And Elizabeth, it is my pleasure to turn over to you to moderate this terrific lineup of national-security lawyers on the topic of the National Security Lawyer and Civics Education.

ELIZABETH RINDSKOPF PARKER: Well, thank you, Suzanne and John Hamre, and wonderful remarks from Director Wray.

I have the great honor of moderating a fabulous panel in the next hour. And I’ll just make a couple of very brief comments.
I shared with the panel the disturbing results of countless surveys which I’ve become aware of that show that civic knowledge is really at an all-time low. And for me, most disturbing is the finding in one recent survey that only 24 percent of Millennials actually think – pardon me – think that democracy is a bad or a very bad way to run the country. Imagine that. And there’s a corollary because recently in the National Assessment of Educational Progress, we found that only 24 percent of 8th grade students performed at or above the proficient level. Perhaps there’s an explanation there as to why so many students have no confidence in democracy.

Some could argue that the events – the tragic events of January 6th may be further evidence of the problem. So with this in mind, what I’d like to ask this remarkable panel to spend a moment thinking about is whether we’re correct in suggesting that civic education has really become a national security imperative. In a minute, I’m going to ask each of the panel members to say a word about themselves and then we’ll turn to questions.

And what I’d like to explore is what does this decline in civic education mean for our democracy? Does the decline mean that we lack the resilience needed to deal with the kind of disinformation attacks we’re looking at? Does it become a national security threat? But are there also broader threats to our national security that this lack of civics might contribute to? And then finally, I’m going to ask the panelists if they could give us some specific examples, whether good or bad, from their time as national security lawyers, but also both in and out of government, as to how they see this problem. And then I think, most importantly, if we’re correct in the diagnosis of the problem as truly a national security threat, are there solutions that we should look at?

So Judge Jamie Baker, I’d like to begin with you. You know, I tend to embrace just about everything Suzanne says, but I think she may be wrong when she says that I held more national security positions than anyone else she knows. (Laughs.) I believe you get that award. You have spent a lifetime focused on national security. And I take great credit, I think, in encouraging you to join the Department of State when you were just a pup. (Laughs.) But you grew up to be an eagle. And my hat is off to you for all you’ve done.

And you went from – actually, you’ve spent time in the military, in the Marines, and then moved, interestingly, to the Congress, with Senator Moynihan, and then of course I mentioned the State Department, and you moved on eventually at the NSC. And finally, for 15 years, became a judge with the military court of appeals. And now you’re at the national security project at Syracuse University, where you’re both a professor of law and at the Maxwell Center, which of course is highly regarded for its policy work. So perhaps nobody more than you has seen the broad sweep of civic education, and how you see it in an academic setting.

You focused on the ethical frameworks for the rule of law. So values has been something you’ve looked at. I’m curious to know what your perceptions are from this broad experience that you’ve had.

JAMES E. BAKER: Oh, boy. Well, thank you, Elizabeth. (Laughs.) And Elizabeth is right that she had a role in my pupdom in government service, for which I thank her, because part of the system of government is having a mentor is a very important thing. And that’s not what I came here to say today, but part of education is finding a mentor and learning from them about government and how it works.
I think the – you asked me to make a comment about ethics. And this ties in with Director Wray’s excellent points about informed patriotism and doing the right thing the right way. And in my experience, the hard part of government is doing it the right way. We often know what the right thing to do is, but it’s often hard to do it the right way. As lawyers, we sit at the nexus of constitutional friction between the branches of government, where the politicians trying to win. Politicians are not necessarily focused on doing the right thing, but on winning. We face the pressures of practice, getting to yes, the personalities of practice. Most of this resolves around doing the right thing through ethics. And one of the things we don’t teach very well, I might say, is ethics. Law schools tend to focus on rules like don’t steal from your client. They don’t do as well teaching sort of the ethical dilemmas that come up when you have constitutional tensions between competing values.

Leon Fuerth had a wonderful phrase, Elizabeth. It was: The duty of a national security lawyer is to get to yes with honor, with the nation well taken care of and the Constitution intact. And to understand the nation being well taken care of and the Constitution intact you have to have the ability to look beyond the immediate moment, you have to understand what the Constitution intact means, and what it means to take care of the nation. And that requires the study of history.

I love the fact that Director Wray indicated that all his incoming special agents, they go to the 9/11 Memorial, the Martin Luther King Memorial, and to the Holocaust Museum. That’s an understanding of history right out of the get go. History is the key to civic education. It’s great to know a lot of facts about government, but understanding how government works, when it doesn’t work and why it doesn’t work is a big part of civic education.

I know we’re limited in the opening round to 48 minutes each, so I need to be careful to limit my talking points. I have – let’s say I have two more.

We can’t always assume that the people in government – so we’re talking about civic education. I might note that that starts with government and not necessarily – we shouldn’t assume that everyone in government knows the civics we would like them to know. And here I’m focused not on the structure of government – the what of government – but the why of government. I found that a lot of times when I was explaining the law to senior officials or other officials they knew what the law was, they knew what the Constitution said – or, says – they didn’t understand the why. And a lot of times when I was put to the test about getting to yes with honor rather than just to yes, it was because the person I was talking with or the people I were talking with didn’t understand the values behind the law and why it was we were in that position that we’re in – we were in. And so I think what we bring to the table as lawyers is the ability to not just say what the law is, what democracy is, but why it is and why that provision of the Constitution states what it states. We need to do more of that.

And then, turning to the public, you said I – you reminded that I worked for Senator Daniel Patrick Moynihan at one time, a wonderful public servant who served four different presidents, two of each party, which is something you won’t see that often anymore. And he famously said: Everyone is entitled to their own opinion, not their own facts. And education is about learning how to critically think – critically think with that knowledge of history and that ability to look through issues, determine fact from fiction. And that’s what education brings to the table, this ability to critically think and determine what is fact and so on, and to do what Director Wray said to do, which is to make sure the government is following the right process, not just getting to the result you might like.

He also made the point about trust. Trust is all about government. If we don’t have trust in government, we won’t – we won’t trust the result or the process.
And then one last point. This is my final point. I did serve on a court, and I found generally, in my experience, although it’s the narrowest of government missions, the judicial branch is the least understood of the federal branches of the government. And one way I saw to address that is by bringing students in to do moot courts and mock court trials at the court. And the security loved it in part and then they didn’t love it because the court looked quite different after we were done with it – it looked like a lunchroom, not a courtroom. But that was magical because these students learned for the first time what it meant to stand up in a court and speak about the Constitution, about the law, and how they could advocate for themselves and for each other. So one of the takeaways here, Director Wray is doing the teddy bear thing with his children. I would encourage each of us to find a way that we can bring younger people into our lives as lawyers and give them a sense of how we go about our business of supporting and defending the Constitution.

Thank you, Elizabeth.

MS. PARKER: Well, thank you, Judge Baker. You did go a little over the two minutes I gave you, but it was well worth it. (Laughs.) Great expenditure of additional time.

Jen O’Connor, I’d like to come to you next. And you, too, have had an extensive experience, both in government, but also for you the private sector. You ended your government career as the general counsel at the Defense Department, but you’d been in the White House Counsel’s Office and also at Health and Human Services. And you began your career in private practice, but now you’re with a major corporate entity, Northrop.

I’m curious to know, can you say a bit about, first of all, the tension between secrecy? How do you balance intelligence and the need for secrecy in a democracy? You saw that, of course, when you were at the Defense Department. And I think I’d also be curious to know whether you have comments about the different perspectives you’ve seen among those in the private sector versus those within the government as you’ve gone forward in your career.

JENNIFER O’CONNOR: Sure. Thank you, and thanks for organizing this discussion, which is so important.

And to take on those topics, you know, transparency is critical to a working democracy. And that goes for the area of intelligence and national-defense operations writ large, as well as other parts of the government. And it’s critical because people need to know what their government’s doing so that they can choose leaders who do what they want, and also so they can hold them accountable.

And in the area of intelligence, and the military in particular, it’s important to show legitimacy and create trust, as Director Wray was saying. And it’s important for Americans as well as for our allies and partners in other countries to see that what we’re doing is supported by law. And it leads to more effective national-security policies.

And the balance between that transparency and secrecy is really important because it’s also vital that we don’t actually weaken or endanger our national security in the process. You know, ongoing or future operations can be endangered if we’re not extremely careful about how we treat information. And real importantly, people can be endangered, troops or intelligence assets or others. And so it’s really hard to get it right. But the basic principle is simple. It’s to be as transparent as possible without endangering people or national security in the process.
And so when I was in the Defense Department, we focused on that a lot across the Obama administration in all kinds of ways. It included a lot of public releases of information about how we used military force and conducted national-security operations and what the legal basis was for that and the framework for it. And I and my predecessor GCs, and also the State Department legal adviser, all made speeches where we would explain these kinds of things.

And at the end of the administration we, you know, pulled it all together in a report. And we spent a lot of time on things like reporting of civilian casualty numbers, trying to make sure that they were right, releasing a whole range of information about operations, like where troops were and how many there were, and particular operations, just to give a few examples.

And it was across all the government agencies that supported national security that we worked this sort of basic process and goal of trying to share as much information as we could safely do, you know, because we thought it was important for democracy and for people to understand the legitimacy of what the government was doing.

And to your second question, my perspective on all of that has not really changed since I entered the private sector. But I can say that working for a large private-sector organization has made it clear that a lot of the principles that we’re talking about here related to civic engagement and service are very much true in large private-sector organizations.

Employees want to know the mission of their employer and the values. They want to know that it’s going to do the right thing, that it aims to do the right thing and do it in the right way. They want it to be involved in their communities. You know, for us, STEM education is a big feature. And our employees want to be involved in the high-school partnerships, you know, that we’re engaged in. And it’s because they want to be engaged in the communities. And it all kind of fits together. And so I’ll stop there because of your time limits, but thank you for putting this together. It’s a great topic. It’s really important.

MS. PARKER: Well, that’s terrific. And we’ll come back to you and try to tease out a little bit more about that.

Before I go to Tia Johnson, I just want to remind the audience that you can ask questions. And the way to do that is to fill out a question form online at the CSIS event page. There’s a little green button that say: ask questions live. And that’s your cue. So we hope to hear from you as well.

So, Tia, if I could go to you next. Once again, a remarkable background. In your case, you became, I think, the first African American woman to be a colonel in the Army as a JAG lawyer. I think it was almost, what, 20 years in the JAG Corps for you? But now in the academic world. And you’ve been teaching both at Georgetown and elsewhere. So you’ve got a broad perspective. But I’d like to kind of ask you to step outside our domestic space and tell us a little bit about the experience you had when you served in Bosnia as part of the JAG Corps. What did you learn about the civic education needs, both of that country and, frankly, of our own as well from that experience?

COLONEL A. TIA JOHNSON (RET.): Well, thank you, Dean Parker. And thank you, Suzanne Spauling and Dr. Hamre for putting on this important discussion, and for inviting me. I really appreciate it.
Yes, I was deployed to Bosnia in the early 2000s as part of the NATO peacekeeping force. And so, you know, one of the things we do in the military, we talk about bottom line up front. So I’m going to answer your last question first. The biggest lesson learned that I took away from this 18 months there was that the veneer of civilization is very fragile, and that once ruptured is very difficult to piece it back together. As many people may not realize is that of what were the six provinces in the former Yugoslavia, Bosnia-Herzegovina was the most heterogeneous one. And so for a civil war to erupt between the Slavs, who – the Serbs, who were Slavic, and the Bosnian Muslims – but they all were Slavs – it really, really was eye-opening and shocking to everyone.

With regards to civic education, this was also – at the time Lord Robertson was the Secretary-General of NATO. And Lord Robertson was committed to taking Bosnia from civil war to European Atlantic integration. And so a lot of time and effort was spent, both by our EU allies as well as NATO, on democratization, trying to build capacity in the central government. Yes, educating people – because, of course, they’re emerging out of a communist regime. So you’re trying to do all of these layers simultaneously. But, yeah, civic education was incredibly important because, again, as I said, they were emerging out of a communist regime. So we’re trying to fix all that stuff at the same time.

The other perspective, by the time I had gotten to Bosnia I had done a lot of democratization work. I had been fortunate at that time to have worked on the teams on implementing Nunn-Lugar. You know, and so that was the whole effort to get the nukes out of the former Soviet Union. And so I was Miss Democratization, you know? (Laughs.) So going in and meeting with and talking to militaries about the role of the military in a democratic society. And that’s vitally important. And this goes back to the comments that Director Wray was making, that Judge Baker made with regards to, for the military in particular in American society – I mean, we have a compact with the population. We’re the servants of the – of the nation.

And so it is vitally important that in that – within that relationship then that there’s trust and confidence. Now, you know, the military routinely scores very high on public opinion polls with regards to trust and confidence. But you have to protect that relationship and you have to protect that trust. And so it is – it’s deeply troubling that in the January 6th insurrections to see the numbers coming out of the people who have been arrested – I’m looking because I don’t have my glasses on so I’m trying to read this – but it was saying one in five defendants in the cases thus far had – were either military veterans or had some military service. That’s incredibly scary.

And the fact that – you know, the seriousness with which the Department of Defense took that is evidenced by the actions by the brand-new secretary of defense, Secretary Austin, when he ordered a standdown in early February – a 60-day standdown, so that all commands could examine this issue and come up with action plans as to how they were going to address that. And so, again, it goes back to that – the importance of civic education. You know, the military is a microcosm of society. And so as you reported out those scary findings with regards to the dismal state of civic education among young people, well, that’s who we’re recruiting.

I mean, we’re recruiting 18- and 19-year-olds into the military. And so if they don’t understand our system of government, you know, notwithstanding the fact that we take an oath to – we swear to uphold and defend the Constitution of the United States. If they don’t understand what that means – and the next clause, against all enemies both foreign and domestic. You know, they have to – they have to understand what our – what the Constitution does, that it creates our structure of government, it creates our system of government, and what our role as the military is in that. And it’s to defend that.
We’re not beholden or loyal to a person, or even a position, but it’s to the Constitution of the United States.

MS. PARKER: Well, that’s a remarkably powerful set of observations. And I suppose maybe I’m giving you a conclusion, but would you agree that you’re not then getting then the recruits who have the background they need? There’s a remedial job in civic education for those who are coming into the military?

COL. JOHNSON: Correct. I mean, again, you know, that’s why I always tell people, the military is recruiting from the general population. I mean, we’re not – you know, we’re not creating people from whole. (Laughs.) And so if when they come into us, whether they’re coming in on enlistment – so 18-, 19-, 20-year-olds, or even the officer corps. You know, so we’re getting them out of the academies. We’re getting them out of undergraduate school and commissioning them as officers. You know, if they don’t have that core understanding of our structure of government and how our government operates, as Judge Baker said, you know, what are the coordinate branches of government? What are their respective roles? What is the mutual respect that we are to accord each other? You know, if they don’t have that understanding then it’s very difficult to maintain that kind of servant-leadership role that the military is supposed to have.

And another study I was reading that they had polled the graduates from the academies and the military – you know, the officer corps – the junior officer corps. And there was this real sense of superiority that they felt that military service and being a military officer made them superior to members of the general public. And that’s dangerous, because again if you find – if you have an officer corps that’s in that space, that’s when you start getting the thinking of: We know better. You know, the civilians are messing this up, maybe we need to step in and do this in a different way, because we can do it in a better way. And that’s not the military’s role.

And so both at the enlisted stage and in our officers rank, we have got to ensure that personnel are trained and knowledgeable about, you know, the structure of government, the role of the various branches, what the role of the military is in democracy, and how we execute that role.

MS. PARKER: Powerful comments.

Steve Bunnell, I’d like to come to you next. You’ve had a very interesting background. We’ve been talking with Tia a little bit about the military and how important it is for incoming officers and enlisted people to understand the structure of government. But you, as the general counsel of DHS, had a very challenging role because you sat in an agency that was really trying to deal with security in the domestic space. We tend to think of security as something that we focus on nationally or, I should say, in the foreign world. I’d like to ask you a little bit about how you saw that tension between what we can do in our foreign activities when we try to protect the nation from foreign threats, and how that then works out when we’re really talking about domestic challenges. So could you say a little bit about your time as the general counsel of DHS?

STEVE BUNNELL: Absolutely. And thank you for including me in this discussion and in this program. It’s, as others have said, an extremely important topic.

Yeah, my experience at DHS, for me, was a shift of focus because I had – most of my career had been within the Justice Department really focusing on purely domestic-type issues. And what I took away from the DHS experience is really kind of thinking of the security realms in really three
categories: the foreign or international, as you alluded to; and then the border area; and then the domestic, you know, interior issues. And each of those – each of those realms or zones have different sets of governmental authorities associated with them and different restrictions – legal, constitutional.

And so for DHS, I would say it sort of fills the gaps a little bit between what have been the primary areas of other agencies, both at the federal and the local level. The border is certainly an important sort of area where it operated – operates, but also inside the country. And its homeland security mission, really just to sort of tie it to the civics theme, is really focused on public-private partnerships of various forms to try to promote security. You know, the sort of simple catchphrase of “see something, say something” which you see at the TSA is in some ways kind of an umbrella description of what the Homeland Security Department tries to do in terms of engaging ideally with informed citizen patriots to try to build a homeland security enterprise that isn’t necessarily driven by state action in the same way that perhaps some of our foreign activities are, but is more of a collaborative exercise. And it depends very heavily on having an informed citizenry, having – you know, it’s one thing to see something and say something; it’s another thing to see something and say something appropriate and useful. And there’s a big difference between those two things, and citizens are the ones that are going to make the difference in terms of the quality of that from the – from the government’s perspective and then ultimately from society’s perspective.

I will say one thing that I was struck by when I was at DHS and which I have become increasingly focused on in my – in my present role, which is in the – in the fintech space, is the interplay between technology, civics, and security. Because I think – and Director Wray talked about this a little bit – when you look at what’s happening in the misinformation space, propaganda is not new. Con men are not new. What’s new is the ability to use technology to target people and artificial intelligence to leverage that targeting, and to do that targeting at scale and speed and cheap cost. And that creates a different threat landscape than we’ve ever had before.

And again, it brings us back to civics in the sense that you need to have some tech literacy along with your traditional civics. And I hope we’re able to figure out ways to leverage technology to promote good ends, not just to tap into our baser instincts in some ways. And we can make our democracy even stronger, we can make our civics education more compelling, if we actually use the technology which is in some ways undermining civics. So we should use technology to promote civil discourse, to break down silos of information, and ultimately to promote more analog and in-person engagement because that’s really where community happens and that’s – that’s kind of where the good stuff of participation occurs. So it ultimately leads you to service, not just reading online, so.

MS. PARKER: Well, I think you actually anticipated a question that I was going to ask you, but maybe I’ll ask it nonetheless. You’ve moved into computer security, tech issues rather significantly, I think, in your positions after DHS. And I wonder, in doing so – I think now you’re with a new organization that’s talking about international – developing a new global payments system – has your perspective changed now that you’ve returned to the private sector? What differences in the world are you seeing now from a private perspective on these kinds of issues?

MR BUNNELL: Yeah. I mean, what’s interesting when you’re a lawyer in the private sector is you’re – at least in my current role, I am – I’m helping to bridge understanding of the government and hopefully building at least some level of trust in the government, which is sort of the flipside of what the – what the government tries to do when it’s building trust from the public-private partnership perspective. And so there’s an element of civic education in that exercise as an advisor.
But the success of the project that I’m involved with, and many others, is really about figuring out ways for the private sector and the public sector to work together towards, you know, common goals and common ends. And again, there’s been, you know, a lot of mention of trust. It really does come down to building those – it’s not just knowledge, but it’s actual relationships.

And so, yeah, the world – it’s interesting. When you’re in the public sector your ultimate goal is to serve the rest of the people who are in the private sector, and yet sometimes that gets lost. And I have to remind my client and my clients that sometimes it’s really just a function of letting the public sector understand what you’re doing in the private sector because, ultimately, well-intentioned public servants are there to serve the public and you’re part of the public. So, again, it’s civics in a different form.

MS. PARKER: Right.

Well, now I’d like to move to questions, not just mine but I had a couple of very important ones that are coming in from our audience. But before I do, we’ve only got about, oh, 25 minutes left, and I want to be sure we don’t miss a chance to talk about possible solutions if we believe – and I think what I’ve heard is that there is a problem in civic education, you agree with that. What kind of solutions might there be?

And here I would just remind the audience – I think the panel’s aware of this – that just yesterday two important things happened. Suzanne mentioned the introduction of the Civics Secures Democracy Act of 2021. This is bipartisan legislation, very important. And I might ask one of you to comment on that.

And then, secondly, there was also a hearing yesterday by the Senate Armed Service(s) Committee, again, hearing testimony from the bipartisan Commission on Military, National, and Public Service, which was an 11-member commission established in honor of the late Senator John McCain, making extremely important recommendations on how to improve not just military service, but also public service generally. And interesting to me, it might not have started out with this notion, but it clearly concluded with a view that civic education has got to be enhanced and improved.

So let me just start by asking Jamie Baker. Would you like to make a comment on either of these proposals or what you think the solution might be? And as you do, let me call your attention to one, I think, very important question from the public, and I’ll simply read it: How can we ensure that civic education serves to expand students’ capability to be discerning and thoughtful, not as a cover to propaganda? And can we convince the broad public that civic education itself is not simply another name for propaganda? So let’s start with you, Jamie, and then I think I might ask each of the panelists to just make a comment on this, if you will.

MR. BAKER: Thank you for your question and thank you to the member of the public for their question.

I have three responses. And I’d like, though, to start with a chapeau which focuses on the input rather than the output. The output is nobody knows about government, or only 10 percent know this or 8 percent know that. Focusing on the input – I’m thinking of the American historian and educator Whitney Griswold, who said in 1959, writing of communism, fascism, and McCarthyism, in the long run of history, the censor and the inquisitor have always lost. The only sure weapon against bad ideas
is better ideas. The source of better ideas is wisdom. The surest path to wisdom is a liberal education – a liberal education.

So point one: Education is a zero-sum game. The more of one thing you teach, the less of another you teach. I was a board chair, in my previous life, of a school, and it was all STEM, STEM, STEM. That’s all anybody wanted to learn – science, math. Well enough. If we’re going to compete successfully with China, we need STEM. Nobody – no parent ever came to me and complained they weren’t getting enough constitutional law or historical analysis at their school. They wanted calculus in third grade and robotics in kindergarten.

And if we’re going to talk about civic education, we have to realize that we’re going to have to give something up for it. And we’re going to have to return to a study of the liberal arts. Leadership is a liberal art. Government is a liberal art. You don’t learn leadership from math. You learn it from Shakespeare and reading history; point one.

Point two: Teachers are public servants, and we have to act like they’re public servants. If we act like they’re bureaucrats or we act like we don’t care about them, we might get a product that looks like that. Teachers are wonderful public servants. They’re every bit as much public servants as people who work for the government. And I loved Steve’s point about public servants can’t forget that they serve the public. It’s something to always keep in mind. But that’s part of teachers as well.

And when you look at the most successful educational programs around the world, oftentimes it starts with respect for the teachers. The top college graduates are going into the field of teaching, not because of the pay but because of the respect that is given to teachers at the primary, secondary, and even at the university level.

And then the ABA, I think, can play a role here too in terms of what they support and how they support it. Law schools are still teaching to the needs of the last century. And by the needs of the last century, I mean the 19th century, not even the 20th century. The curriculum has not changed. And the ABA likes to complain a lot – about a lot of things. They can be part of the solution here by being as good at teaching rule of law in the United States and encouraging the teaching of rule of law in the United States as much as they are good about teaching it overseas. The Rule of Law Initiative at the ABA is the gold standard in the field, but they don’t have comparable programs in the United States.

So as to the question from the audience, how do you avoid propaganda – and that – in my view, you avoid that because you’re teaching people to critically think, not telling them what to think. You’re teaching them history. You’re teaching them communications skills so they can parse arguments.

Laurie Hobart, my colleague, says we read well to write well. That’s a liberal art. And why do we care about writing well? Because that’s how we make persuasive arguments. That’s what we need to be teaching because that’s the route to civic success.

That’s my response there – not propaganda; the ability to critically think and critically communicate.

MS. PARKER: I think I would say that the new legislation would embrace that. It would do two things that you’ve mentioned are key, and one is to increase at the national level funding for civics
and history so that they get the same attention that STEM topics do now, but specifically avoiding the need to prescribe any curriculum, recognizing that standards are really set at the state level.

Tia Johnson, I’d like to come to you for a minute, if I might. I mentioned the testimony before the Senate Armed Services Committee yesterday. The Commission on Military, National, and Public Service was a very impressive effort two years; I think something like 4,300 comments received, 350 private organizations talked to. It was really a very comprehensive engagement with the public.

Among the comments they make is that something like .5 percent of Americans currently have experience with active service in the military. And so it’s an increasingly smaller part of the population. They also stressed the point that there are too few opportunities for public service outside of the military.

I’m just wondering if you could comment a little bit on how you think that kind of an increased opportunity to engage, even in student years, might be valuable.

COL. JOHNSON: Thank you.

Yes, you’re correct. The report, entitled “Inspire to Serve,” have multiple recommendations in various categories. And one of the areas that we’re talking about was the best practices in civic education and service – they call service learning. And they’re stressing the importance of incorporating both civics education, which Judge Baker just spoke about, but also the other component of service learning in K-through-12 education, as well as in higher education.

Service learning, then, would be those opportunities, as you mentioned, to get students out of the classroom, to be able to translate the things that they learned in the classroom and put it into action. And so youth programs or even plugging into preexisting programs would, again, inculcate them with this sense of service.

When I was still on active duty, I used to keep a sign under my desk – you know, under the – when you saw the glass on the desk – (laughs) – and it said, you know, that with every, you know, privilege, there’s a responsibility. With every right comes responsibility. And I think that part of what we are seeing is that disconnect, that cognitive dissonance between a right – people say, oh, it’s my right to do whatever, but they don’t understand that as a citizen of the United States they also have responsibilities and that they must perform those responsibilities.

And so the whole idea behind the recommendations that the commission makes is to try to embed that into particularly K through 12, that they will then come out of – have opportunities during that period and then, more importantly, come out and maybe go into one of the national-service programs; you know, kind of like a Peace Corps, a domestic Peace Corps, as it were.

We saw that with the – is it Teach for America? – as one of the programs. Of course, we have the traditional programs where, in the health department, when people went into public health and went to some of the state, local, tribal areas to practice. So that’s what the commission is recommending – increasing those types of opportunities as a bridge so to give students both the foundational knowledge, as Judge Baker talked about, and then operationalize that by allowing them to implement it through one of these vehicles.

MS. PARKER: Terrific. Well, that’s very helpful. Thank you.
You know, it seems to me there’s a role here for all parts of our society to play. And, Jen O’Connor, if I could come to you, now that you’re in the private sector and with a substantial corporate entity, in 2019 – November, I guess it was – the Chamber of Public Commerce – pardon me – U.S. Chamber of Commerce came out with a very important report that they co-authored with Harvard. And they talked about the business case for civil education.

I wonder whether you could share your views as to whether you think there’s a role for our private sector to play – large corporations, small corporations – in embracing this problem and its solutions.

MS. O’CONNOR: I do. And I just want to share one thought that I had about your sort of introduction to the testimony yesterday and the report. And I was also struck by this when I was listening to what Tia was saying.

One of the things that this made me think about is that, you know, it used to be that we had a much broader, more diverse sort of portion of the population who had a member of the family service in the military at some capacity, at some time. And so they had a sort of natural understanding of what it does and also served as an inspiration to join either in uniform or as civilians, or in other ways. And I think you still find that many, many, many of the people who put on a uniform come from a family where there is somebody in their family who already did that. And you know, that isn’t enough. It’s not – for one thing it’s not diverse, enough? Diverse in every sense of, you know, perspectives, of background, of perspective, of geography. And you need all of that diversity for good decision making.

So you know, I think one of the most important goals of enhancing civic education is to really enhance the understanding of the military and what service in the military is, and to inspire a broader set of young people to want to serve. And I was also struck that it’s true in the legal field very much. You know, when I was at DOD – and still now. When I talk to law students, I tell them that service in the JAG Corps is a terrific career path. It’s great experience. It’s a great job. You get to serve. And this isn’t something that everybody hears about in law school, you know, as a career path. But it’s a terrific career path. And we need more of them to explore it. And they need to know what it is and why it’s attractive, and all of that. So that’s kind of a part of this.

And I think, in terms of the question of the private sector and its role, it’s very varied. I mean, I work at a large organization who has, you know, national security as part of its mission because that’s what its customers are engaged in, and hires many, many, many people who come from the prior government careers in the area of defense and national security. And it’s tremendously beneficial to have that experience, but it’s also very important in terms of what we do to understand what the government’s aims are and the responsibilities that come with that, and the, you know, structure and framework that surrounds it. And so having a well-informed – well-informed set of employees who are serving private institutions, you know, is as important as having well-informed employees who are serving public institutions. It’s all – it all kind of comes together.

And, you know, as I said earlier, we all, they are, we’re all part of communities where we live. And so companies have a role to play in terms of encouraging dialogue, and understanding, and community engagement among their employees because we’re part of the communities in which we work.
MS. PARKER: Great. Well, thank you.

I’m getting some terrific questions here. And I think maybe what I’ll do, Steve Bunnell, is to ask you to handle one of them. One person wants to know what, during your government service, did you do to lead by example and, if you will, foster civic lessons? And adding to that, what do you think the current national security leaders themselves ought to be doing to improve understanding of the importance of civics?

And I would say here, that although we’ve been talking about K-12, or maybe even K-22, if you add law schools, a big part of our population is out of school. And we’ve got to address them as well because I think what our survey results will tell us is that this decline in civic education didn’t happen just overnight. It’s been a five-decade process, probably dating back even to the time when we first saw that we had a – shall we say – a gap in our STEM education, as a result of the Sputnik launch. So this has been something that has been building over time. So Steve, if you would, could you say a little bit about what kind of leadership opportunities you saw while in government to promote civics among both the government workforce as well as the public, that you importantly point out it’s our goal to serve?

MR. BUNNELL: Yeah. I love the point about sort of continuing civics education, as it were. I think that was kind of what you were suggesting. And just to link it back to my concern with technology and its impact on these issues, this was something I worried a lot about when I was at the Homeland Security Department. And we did both internally and externally launch what we called the cyber literacy program, which was to try to inform people both inside the government and outside the government about the risk – the cybersecurity risks, and the fact that so much of our lives are now reflected in data. And the security of that data is really fundamental to our collective security.

But what’s interesting when you think about education is we have more – we have more grandparents in the United States than we have grandchildren right now. So the population that is probably most in need of, say, greater tech literacy to protect them against, say, misinformation and some of the other threats that we were talking about – Director Wray talked about – are not the schoolkids, when it comes to the technology risks. It’s older people. It’s my parents, who are perhaps a little bit too trusting of emails that are too good to be true, and happy to click on them without thinking twice. And so the collective effect of ignorance at that level is a big deal. So that was something that we tried to do at the Homeland Security Department. There were opportunities to do a lot more of that, sort of public service education, that make us all stronger. It’s really kind of an analogy to a public health education campaign.

MS. PARKER: That’s very helpful. A couple questions want to know, I think building on that, what the national security legal community can and should be doing to engage more at all levels in addressing this problem? And I think maybe I’ll just make that the last question and let each of you make a quick comment, if you would. And maybe I’ll go right back to the beginning and start with you, Jamie Baker.

MR. BAKER: Thank you very much. I guess I would respond first, we all have an obligation to get out and communicate. And to say that law is not a specialty. You don’t need to go to law school to understand law or to value law. It is who we are as a nation. It’s our defining characteristic. If you’re a Lance Corporal in the military, you’re supposed to understand the law and follow it, including the Law of Armed Conflict. So lesson number one is to make the law accessible to all – as accessible as it can possibly be. And that starts with an understanding of the Constitution as a procedural
Think big, is the second point, rather than small. Lawyers get burdened down by the specific tasks they are performing, but we have to always think big and remind people of the greater whole, that it all adds up to a greater whole. And I’m sitting here, I love Steve’s comment about public health education in the technology area. I’m living proof – or, perhaps I’m not living proof – but you can learn new technologies even as you get older. And one of the things law schools should be teaching, which they’re not – and this goes back to grumping about the ABA and its standards – is law schools are not teaching technology or requiring it to be taught. They’re teaching the Rule of Perpetuities and what they should be teaching is artificial intelligence and cybersecurity.

Thank you.

MS. PARKER: OK. Thank you.

So, Tia, let me come to you.

COL. JOHNSON: Well, since Judge Baker threw out the gauntlet – (laughs) – what I was going to address, going back to what we can do, I was going to give some examples of what Georgetown Law Center has been doing, and they’re committed to doing. It has this Street Law Program for a very long time. And for those who aren’t familiar with it, those are programs that are embedded in law schools that go out and they’re teaching these types of ideas, these types of concepts in high school classes. It’s an old program. I did it when I was in law school and, you know, we were chiseling our notes on the – on the rocks. (Laughs.) So but Georgetown has a very robust Street Law Program.

Also, similarly, the university started about a couple of years ago what they call their Early Outreach Initiative. And that’s reaching into the high schools, who may not be in the Street Law Program, but reaching into the high schools and the public school districts that are surrounding Washington, D.C., so particularly the Maryland districts and in the Northern Virginia districts. And it’s the same type of thing, but they bring them into the law school and we do instruction with them. So I’ve been involved in that early outreach initiative, and it’s the same idea as both Steve and Judge Baker have noted, to help them to understand that the Constitution is not this disembodied thing; that it’s the very lifeblood of our nation, that it’s the structure of our government that it’s our system of governance, and what does that mean, and then how does that impact them in their daily lives. And so that’s very important.

And then again, you know, in the law school instruction, embedding these ideas. I mean, I teach within the national security law realm. So I mean, I teach a course on congressional oversight. And again, it’s all about, you know, Article I/Article II powers and how – that tension, and how the Article III courts have to come in and get involved in that process. And so it is – it is important to teach this at all levels.

And the whole idea of continuing education, you know, I think that that’s also vitally important because, more importantly, you know, that’s that generation that is the most likely to be the most active voters. They’re the ones who are going to probably be more likely to try to hold their elected representatives accountable. So we want them to also exercise critical thinking skills and not to buy into, as Steve said, you know, you get the email and you click it and you believe it, or I read it on
Facebook so it must be true. So, you know, that’s one of the things that the – that Georgetown in particular is trying to do in furthering civic education at the high school, undergraduate – oh, yeah, we have the boot camp, I’m sorry. That’s how we reach out to the undergraduates. That’s the boot camp. And then certainly within law school.

MS. PARKER: That’s great.

So, Jen O’Connor, I want to come to you and I just want to say that your comment about the JAG Corps resonated for me. I have the zeal of a converted, too. I grew up at a time when I thought the military was a junk item, and then I met the JAG Corps and I thought, oh dear, I think I got that wrong. They’re terrific and it is a good career path. But any things you would like to add as to what we ought to be doing as either current or past national security lawyers to try to engage these topics?

MS. O’CONNOR: I think we all have opportunities to talk with groups of people who are not national security lawyers, right? And I think taking those opportunities to talk about what we did, what we do, what our experiences are, and what the lawyers who work in national security and with the national security part of the government does generally is important.

I think the Street Law, I love that comment and that program. It’s great. And programs where it doesn’t have to be like a full-blown program, but opportunities to do a, you know, one-day talk with high school students or, you know, be part of a mentor program where you meet a small number of students. And you know, not just students in high school, but also students in college and beyond that in law school, I think sort of shedding light and, you know, helping people to understand it will help to bring them into it. And I think what we – it’s very important, I think.

And I think some of the things that the commission report talked about in terms of having more opportunities for people to spend a couple years in sort of a Peace Corps type, national service corps type, AmeriCorps type program where they can participate, I think that’s critical. And I think the national security lawyer kind of role can be to help encourage people who do that kind of thing by helping them understand what this piece of the world is all about.

MS PARKER: Great. Well, that’s helpful, too.

And finally, Steve, I’m going to give you, I think, the last word here. Thoughts from you on what those who’ve had national security law experience, as certainly you have at DHS, and are now in the private sector ought to be doing to help educate people on these topics?

MR. BUNNELL: Well, I have sort of two thoughts.

One is just to echo Jamie’s – you know, he’s been very eloquent on this – about each of us having a duty – a personal duty to pay it forward and in whatever ways are available to you. It could be Street Law. It could be law school. It could be something in between. And so that’s one.

I think the other thing – and I remember back to elementary school being assigned to recite by memory President Kennedy’s inauguration speech, or at least parts of it – the part that included “ask not what your country can do for you, ask what you can do for your country.” I think, you know, a lot of this is leadership, and we need – we need the narrative. Judge Baker is absolutely right, history is the key. We are hardwired as human beings to respond to stories. That’s what pull us together.
I think one of the things we’re missing in this country are unifying stories. We need to have stories that speak to everybody, not just to some segments of our country. You can’t gloss over the ugly parts of history, but you can – you can present them alongside with the optimistic parts of our – of our culture and of our country. And that’s really what we need to do collectively, but also at the very top. The people who are influential in our government need to – need to articulate a unifying story that we can all get around that’s optimistic and inspiring. That’s how you get collective action.

MS. PARKER: Well, this has been a wonderful panel. And I hope I don’t put words into your mouths, but I think everybody in your comments suggest that we do have a problem with inadequate attention to civic education and history, and that we ignore this at our peril. And certainly that’s one of the reasons why we as national security lawyers think this is a topic that we ought to be raising in the national security communities that we are – we are familiar and engaged with. And so I thank you for the time you’ve taken to explore some of the possible solutions and your perspectives.

I’d like to give Suzanne Spaulding the last word here. Suzanne, are you with us and would you just do a wrap up comment or two? I want to be true to our commitment to keep this to an hour and a half. And I think we’re just about a minute over.

MS. SPAULDING: Thank you, Elizabeth. Thank you for an outstanding panel.

And I want to be sure to thank as well the ABA Standing Committee on Law and National Security. It was a partner in putting this panel together with us. Just so many wonderful highlights from all of you. But I was particularly struck, Jamie, by your talk about the need for government employees and officials to understand the why of our laws, those fundamental values and principles. And Tia, as you talked about it, particularly important for young military recruits coming in, right, to understand the nature of the oath. And then your comment about the civilization being a thin veneer, which I remember Jack Marsh, a former secretary of the Army, used to talk about.

Steve, I thought your comments particularly about the interplay of technology and civics were really interesting. And for those who may also find that interesting, you might want to check out the interview that we did with Brad Smith, president of Microsoft, where he went on at some length about the importance of civics in the tech community. And, Jen, your discussion about the role of business and the way in which they need to encourage dialogue and engagement among their employees as part of their civic responsibility to the communities of which they are a part, right? And all of you who talked about the importance of going out then and talking to the public, the role that – the responsibility that each of us has, particularly as lawyers and national security community – national security lawyers.

And I want to say, I think you have done – excuse me – you have done that with this panel. It was really just so outstanding, a contribution to civic education that I think we should be required viewing in general counsels’ offices all across government, certainly in national security departments and agencies. And we will certainly be posting this. But I want to thank you all for a terrific discussion. Elizabeth, great job in guiding that. And thanks to all of you who tuned in. Take care, everybody.

(END)