

TESTIMONY OF
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BEFORE THE U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND
SECURITY HEARING ENTITLED: TRACKED AND TARGETED: THE
UNCONSTITUTIONAL SURVEILLANCE STATE

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Chairman, Ranking Member, and Members of the Committee:

Thank you for the opportunity to appear before you today.

I recognize the unusual nature of this proceeding, but believe that, particularly in periods of institutional strain, the traditions and responsibilities of congressional oversight must continue, whether through formal hearings or other mechanisms that preserve public accountability and constitutional dialogue.

I appear today in my capacity as Executive Director of The Steady State, a nonprofit advocacy organization composed of more than 400 former senior national security officials drawn from across the United States government, including the Central Intelligence Agency, Department of Homeland Security, Department of Defense, Department of State, Federal Bureau of Investigation, Intelligence Community, federal law enforcement, and congressional oversight institutions.

I also appear as a former senior homeland security and intelligence official who spent much of my professional life working within the legal and institutional frameworks that govern the exercise of national security authority in the United States. My concern today is not rooted in ordinary political disagreement. Democracies are built to withstand policy disputes, partisan conflict, and elections. My concern instead is institutional and constitutional: the growing convergence of increasingly expansive homeland security authorities with unprecedented technological capabilities, all occurring in an environment where ideological and political disagreement is increasingly being framed through the lens of national security and domestic threat narratives.

That convergence should concern every American, regardless of party.

By way of background, I served as Senior Advisor to the Under Secretary for Intelligence and Analysis at the Department of Homeland Security, and concurrently as Deputy Chief Intelligence Officer and Executive Director of the Intelligence Enterprise Program Office. Prior to DHS, I served at the Central Intelligence Agency, including within the Office of General Counsel and the Directorate of Operations, and on the professional staff of the Senate Select Committee on Intelligence and as the first Democratic Staff Director for what became this Committee.

I resigned from DHS on January 20, 2025.

While on the Senate Select Committee on Intelligence, I worked extensively on post-9/11 intelligence and homeland security restructuring issues, including matters related to the creation of the Department of Homeland Security and the establishment and oversight of the Office of Intelligence and Analysis within DHS.

My career has therefore spanned the legislative, oversight, operational, and legal dimensions of homeland security and intelligence authorities. I have worked on the creation of these institutions, within these institutions, and in oversight of these institutions.

That experience informs my testimony today.

I was involved with homeland security structures and legislative concepts during the formative years following September 11th. The Department of Homeland Security was created in response to a genuine national trauma and a genuine national security threat. At its inception, the Department was envisioned as a defensive institution: one focused on protecting the American people, integrating information responsibly, improving resilience, coordinating lawful intelligence activities, and preventing terrorism within a constitutional framework.

There was, at that time, broad bipartisan recognition that homeland security authorities carried extraordinary risks if improperly used. The underlying assumption was that these authorities would remain tied to identifiable security threats, constrained by law, subject to oversight, and separated from ordinary ideological and political disputes.

In my judgment, that line has become increasingly blurred.

Over time, I became increasingly concerned by pressures to expand and redefine homeland security concepts beyond their original framework: by the normalization of emergency-style authorities; by the growing fusion of intelligence, law enforcement, and political narratives; and by the possibility that institutions designed to protect democratic society could gradually be repurposed in ways inconsistent with democratic governance itself.

Those concerns were not partisan. They were institutional. They reflected the belief that national security institutions must remain bound by law, oversight, mission discipline, and constitutional norms.

Today, I believe we face a particularly dangerous convergence of two developments.

The first is technological.

The second is political and institutional.

Standing alone, each presents serious challenges. Together, they create risks unlike anything the United States has previously confronted.

First, the technological transformation.

The cost of surveillance, data aggregation, and analytic capability has collapsed. Tools once available only to nation-states, and at great cost, are now accessible to local agencies, contractors, private corporations, political actors, and increasingly to anyone with sufficient computing power and data access.

Artificial intelligence and machine-learning systems now permit forms of analysis that would have been unimaginable even a decade ago. Modern systems can correlate vast quantities of information, identify patterns across networks, conduct sentiment analysis, infer relationships, predict behavior, and generate highly detailed portraits of individuals and communities.

Importantly, this no longer occurs through the traditional concept of a centralized “file” or single government database.

When many Americans think about government surveillance or monitoring, they imagine a physical file cabinet or a single database containing information about a person. That is no longer how modern systems operate.

Today’s information environment is distributed, federated, cloud-based, commercially integrated, and continuously updated. Information may derive simultaneously from commercial data brokers, social media activity, geolocation data, metadata, financial transactions, facial recognition systems, public records, open-source intelligence, and government reporting streams. Artificial intelligence systems increasingly function not merely to store information, but to synthesize and offer conclusions.

In such an environment, oversight mechanisms designed for an earlier technological era become increasingly inadequate.

The second development is the expansion of the conceptual boundaries of “homeland security,” “national security,” and “domestic threat.”

Historically, homeland security authorities were directed toward identifiable and defined threats such as foreign terrorism, espionage, sabotage, transnational threats, or organized violence.

Increasingly, however, we see broader and more elastic definitions emerging. We see expanding use of concepts such as extremism, misinformation, disinformation, and threats to public order in ways that risk collapsing the distinction between genuine security threats and ideological disagreement.

I would point the Committee in particular toward NSPM-7 and the Administration’s 2026 terrorism strategy, both of which appear to move beyond traditional predicates of violence, criminal conspiracy, or foreign nexus and toward a broader framework for identifying domestic threats. The concern is that this approach risks functionally redefining domestic terrorism by treating ideological networks, advocacy ecosystems, funding relationships, or disfavored political narratives as investigative predicates, even when the underlying activity may be protected by the First Amendment. My concern is not that the government should ignore genuine violence or genuine extremism. Of course it should not.

My concern is that ideological disagreement with the President or Administration increasingly risks being viewed as a threat to national or homeland security.

Historically, some of the clearest warning signs of democratic erosion have appeared when governments began recasting ordinary political conflict as a matter of national security.

Authoritarian systems rarely begin by abolishing constitutional institutions outright. More often, they begin by gradually redefining political opponents, individual social or religious sectors, dissidents, journalists, civil society organizations, in or independent institutions as threats to security, stability, or national cohesion.

The danger today is not technology alone.

The danger is not an expansive political conception of security alone.

The danger arises when highly capable surveillance and analytic systems are wielded by institutions operating under increasingly politicized and elastic definitions of threat.

That is the convergence we must confront honestly.

This brings me to oversight.

Homeland security and intelligence authorities are among the most intrusive powers possessed by the American government. The framers of the Constitution understood that concentrations of coercive authority inevitably create risks of abuse unless constrained by divided powers, transparency, oversight, and institutional competition.

Congressional oversight is not optional. It is not ceremonial. It is not a partisan tool to be activated or deactivated depending upon which party controls the Executive Branch.

It is a constitutional safeguard.

I say that not only as a former Executive Branch official, but as someone who served both on the Senate Select Committee on Intelligence and as the first Democratic Staff Director of this Committee. I have seen firsthand the extent to which meaningful oversight strengthens institutions, protects lawful operators, preserves public legitimacy, and helps prevent mission creep and politicization. I appeared before Congress as a CIA officer, and while it was difficult, it was welcomed – I was comforted by the idea that the powers my agency wielded (and in which I participated) were being watched by all of you here in Congress, particularly when we worked in secret. Thank you all.

Without meaningful oversight, emergency frameworks become normalized. Institutional cultures change. And the public gradually becomes desensitized to the expansion of authorities that would once have been viewed as extraordinary.

The upcoming midterm elections should therefore be understood, at least in significant part, as a referendum on whether Congress intends to continue functioning as an independent constitutional check on executive power.

This is not fundamentally a question of party or even policy. It is a question of whether Americans still want the system of divided government and checks and balances put in place by the founders. It is a question of whether oversight itself will remain meaningful.

Congress cannot fulfill its constitutional role if oversight becomes merely performative, if institutional fear suppresses inquiry, or if the distinction between security and politics collapses entirely. That is happening right now.

Democracies rarely collapse in a single dramatic moment. More often, they erode gradually through the normalization of expanded powers, weakened oversight, institutional intimidation, and public exhaustion.

The role of Congress is to interrupt that process before it becomes irreversible.

Thank you again for the opportunity to appear today. I look forward to your questions.