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### **The Evolving Threat Landscape**

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**Jeh Charles Johnson**, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Former U.S. Secretary of Homeland Security, U.S. Department of Homeland Security (VIRTUAL)

**Moderator: Andrea Mitchell**, Chief Washington Correspondent and Chief Foreign Affairs Correspondent, NBC News

Session Link:

<https://www.youtube.com/watch?v=tzWQ9lod3Jc&list=PL7fuyfNu8jfPTKp6PJ2yJugSfxXEDyEqM>

### **Andrea Mitchell**

Anja, thank you very much for that overly generous introduction, but it's wonderful to be here at Aspen security. This is maybe my favorite place, my happy place. So it's great to be among all of you again and to be with Secretary Esper and Jeh Johnson. And is Jeh on the screen? He's going to be joining us in one minute on Zoom. So we'll start here, and Jeh will join us. I know something.

### **Mark Esper**

I guess I get the first question then.

### **Mitchell**

Yeah, I think you will by process of elimination, elimination. I know something about the flight challenges, having had my own last night. If it's not the easiest time to travel out of Washington DC. It was about 102 in Washington. So there are a lot of reasons to be happy to be in the hospital today. So I wanted to start Secretary with the most recent issue, on all of our horizons right now, which is the assassination attempt against former President Trump over the weekend. It's certainly, it's why I came a day later than I had intended to come in, as a matter of fact. First, your reaction to the obvious security laps on the ground.

### **Esper**

Well, first of all, it was an horrific event, and we're glad that the President is safe and yet mourned for the one American that died and the others that were injured. But look, I'm not a security expert in terms of law enforcement, but clearly there was a failure with regard to securing the outer perimeter. What they did on stage was quite remarkable when it showed the bravery of the Secret Service and their quick thinking and reaction. But the leaving exposed a rooftop less than 150 yards from the podium seems like a glaring error to most people.

### **Mitchell**

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And I will ask Jeh about this as well in more detail, because, as the former homeland security secretary, he had supervision and responsibility for the Secret Service. We know that the Secret Service Director has now been subpoenaed, will be testifying before the House next week, and there have been, there's a lot of controversy over what she said, over, you know, comments that implied that it was a local responsibility. What is the division between federal and local, between the Secret Service? I started, you know, I would my first contact with the Secret Service was probably in 1978 when the presidential campaign and I was a local reporter in Philadelphia, I've had nothing but great experiences with them over years of covering the White House and covering foreign policy with federal, you know, with signatories who also have secret Secret Service protection. So it's painful for us to see what is the gold standard for American security with such an obvious failure. And I know there'll be a lot of investigation, but you also, I think, come from Western Pennsylvania, not far from Butler, where the assassination attempt took place. And I started my career in Pennsylvania as a reporter, statewide and locally. In Philadelphia, there's a gun culture there. And my first campaign in '68 was covering the US Senate, Senator Joe Clark, who got defeated largely on the issue of gun rights. It comes back to the issue of why there are more guns than people in the United States, in contrast to all of the places that you have responsibility for around the globe.

### **Esper**

So you want to drag me into the guns issue, I think, which is from Western Pennsylvania. Any Pittsburghers out there? Yeah, some, all right, two fellow yinzers out there. You guys know what that means? Yeah, Steelers. Go Steelers. If it wasn't so we were the Reagan Democrats. Are the Reagan Democrats. And if it weren't for the Union, heavy union membership, I mean, I had uncles who worked the mines, friends who worked in the mills, then they would be Republicans. And at this point in time they have. There's been a large movement over the time. But yes, there's a culture of hunting in that Western Pennsylvania. There's a culture of strong faith, belief in God, small government. If you kind of go down the list of conservative principles and objectives, they would tick off nearly all of them and so but I think jumping ahead, though, what we need to find out is what motivated this young man. And interestingly, we don't know much after, what, three, four days about he didn't have much of a social media profile. They've talked to his friends, teachers, but we really aren't learning too much at this point in time to understand what motivated him to do what he did, and how did he go about doing it? There's some indication there was some advanced planning going on, but it just doesn't, it doesn't measure up right now. So I think there's more to be discovered.

### **Mitchell**

No, absolutely, and in fact, we, you know, it's conceivable, given the fact that they've already sent his phone to Quantico and did not find any motive and did not find any leads. And obviously they're looking further, but it's possible it's not a motive, and I am careful not to leap to any judgments

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about whether it's a political motive. I covered the aftermath of the Reagan assassination attempt when I was a White House correspondent, and we, in fact, did not know until recent years, how close that Hinkley bullet came to killing Ronald Reagan. Just think about the implications of that, and there was a Great White House effort with the release of the jokes he told in his speech to a joint meeting of Congress, a joint session of Congress shortly afterward, and projecting strength. And it did transform his presidency, politically in the opening months of his presidency, but we didn't know the details of it, and it was not a politically inspired assassination. It was John Hinckley trying to impress Jodie Foster. So one can't surmise anything from what is going on when people are unbalanced. Clearly, this incident could fall into that category. I want to move on, and we'll return to this with Jeh Johnson, but let's talk about now the Iran threat against former President Trump, that we now know from officials that security around the former president was ramped up even before this happened, because of a threat from Iran. And in fact, I'm aware and everyone in Washington who covers this stuff knows that there have been, there is continued security around all of the national security officials, Secretary, Pompeo, John Bolton, others, ever since the Solomonic killing in Iran, that there is a revenge motive, maybe you can address how to protect American officials from the threat from Iran after to their mind, you know, the martyrdom of the leader of the Quds Force, of the Revolutionary Guard, the leader of their camp, their terror group.

#### **Esper**

Yes, that was very interesting news that came out that there was an Iranian plot to go after the president. And, once again, very disturbing. And you know, to me, it's personal as well, because I'm in that group that's that's on their hit list and and so like a few of my colleagues, I carry around a very robust 24/7 security protection detail that watches over me, and several of us have that, and it's going on four years now, which for the killing of Solomon, which I think was a just act. I think it was the right thing to do at the time, given the intelligence we knew, and given Solomon's long history of killing hundreds and hundreds of our service members in Iraq. But look, we got to do better than just playing defense. I mean, there was a plot against John Bolton that was discovered. There have been attempts against others that have been out there, and just sitting back playing defense and waiting for them to get lucky or not get lucky, to me, is not a winning strategy, not least because of our own personal livelihoods, and what that may mean to our welfare. But think about it, if the Iranians were to conduct or or hire somebody to kill the former president of the United States, what would that mean? That would mean war. In my mind, it would be an act of war. And some would argue it's an act of war that they're even plotting and planning and preparing and doing everything up to that point. And so I think we, this administration, needs to do a far better job in terms of how we deal with this problem, because it's not just, could not just be current government officials, it's former government officials. We know there are Americans in this country. I forget her name. She's been profiled that have been under threat from the Iranians...

#### **Mitchell**

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Masoumeh [Ebtekar].

**Esper**

Sure. So I think we need to think about, how do we take this on more offensively and kind of counter the threat more directly? So what would you do? I don't know, but I think you know, you can get around the room with a lot of smart people to figure out, how do you go after those folks, the actual people who are doing the targeting, the planning, you know, the Iranian cell. How do you go after them? Do you use legal means? Do you use kinetic means, whatever the case may be, until the Iranians get the point and understand that they need to knock this off.

**Mitchell**

What do you make of what we're told was the intelligence assessment that regarding all of their proxies in the Middle East right now, Hezbollah, Hamas, the Houthis, that at least Hamas and Hezbollah, not the Houthis, are pretty much under some operational directives by Iran, by Tehran, but that Iran has not since the beginning of the Gaza war, wanted a widening of the war. Do you think that's from your deep experience, is that an accurate judgment?

**Esper**

Well, you've been around this a while, so you know that's not news that Hezbollah, Hamas, the Houthis, which are relatively new the Islamic groups in Iraq and Syria. They're all motivated, funded, supported, resourced, financed. And actually we know that the Iranians, at times, are there on the ground with them, planning and preparing so they are the source of all the evil in the Middle East and all the malign behavior that's going on out there. And so it is surprising. On one hand, it's not surprising, though they are smart enough to know that they will not win in an outright war with either Israel or the United States or any combination of us and our Arab partners out there. And so they skillfully, deftly use their proxies to cause mayhem throughout the region. It's the so-called Axis of Resistance and so but I do think it's changed somewhat. And what hasn't been talked about, by the way, is we have a new Iranian president who was just installed, what, a week ago, Pezeshkian, I think, is his name, and we have yet to see what role he will play. And interestingly, one interesting thing on that front, he's not a cleric, so he likely will not be in mind to succeed Khamenei, which raised a succession question with Iran at some point, which is going to cause another big transition for the Islamic Republic. But let's just go back a little bit. I was surprised, frankly, that they responded with such force, with drones and cruise missiles and ballistic missiles against Israel. A few months ago, I thought that was a very bold move that really could have drawn the Middle East in a much bigger conflict, to include us, and not least of which, of course, Israel, too. So I was surprised by that they made that move, and I think it shows a new level of Daring Do on their behalf, to really take on their adversaries in the Middle East and show some muscle now, it also exposed their weaknesses. And I think Israel further exposed weaknesses by how they responded. But I think we're at a transition point with Iran and how they will behave going forward, particularly with this

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new government, particularly with an economy that's under duress. The people are unhappy, and you may have at one point, have a transition here soon by the Supreme Leader.

### **Mitchell**

There was, in fact, a lot of surprise about this election, that people came out of the woodwork, and we have not been covering the protest by the women as much as we had two years ago. I mean, the attention deficit of the news media, you know is, this is part of it. Gaza has taken first place, and Ukraine is not as covered as intensively as Gaza has been. And we, we sort of know that resources are somewhat limited. But that said, it does seem that the focus on Gaza has supplanted a lot of other tensions in the region. What did you think of the American response with Israel showing the defensive capabilities against Iran in that incident in February.

### **Esper**

Yeah. Look, I've from the get-go, I've been... I've had mixed views on the United States response. I thought the President was very bold in terms of initially deploying two aircraft carriers. We, I think, had an amphibious group. We supported Israel in the Middle East within hours and days after October 7 and but, but I thought we took too long to respond. I think we went we had like, 150 or so attacks against us, bases and forces throughout the Middle East, Principal, principally, Iraq and Syria, before we ever really hit them back hard. And once we did that, because i many others are saying, You got to hit them back. You got to respond. They respect force. We did that. It stopped, right? So there's a lesson there. So I think you know what Israel has built up over the years with American assistance, this layered defense was very effective. I mean, Iran, as many of us know, has the most capable missile force in the Middle East, and basically Israeli Defense Forces, along with, by the way, the Americans, the Brits. And we believe that Jordanians and others knocked down nearly every single missile, and they, only the Israelis, only suffered one casualty, I think, a young girl was injured. So it was a tremendous display of technology, of defense, of cooperation, of working with allies and partners, which is a good lesson for us to keep reminding ourselves of. And then I think they showed their ability to strike back by getting within the Iranian air defense system, striking deep into a target at an airfield next to what we believe is a nuclear facility. So I thought it was, again, a very good display of capability by the Israelis.

### **Mitchell**

And the Israelis had a lot to prove after October 7, given how weak their response was and how their own intelligence failures were exposed, which have not been fully investigated yet.

### **Esper**

Yeah, intelligence failures, the failure of the military to guard the border, right? I mean, a number of things that really shook the the Israeli state and the people at the sense, there's now a sense of vulnerability that hasn't been there in what is, what they would say is the largest killing of Jews since

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the Holocaust. It's, it's really traumatic, and so I look, I'm on the side of Israeli government. They need to dismantle, neutralize, choose your verb once and for all. Hamas. And Hamas cannot be allowed to come back to govern the rule, to police, to whatever the Palestinian people in Gaza. There needs to be a new formula going forward.

### **Mitchell**

Well, let me ask you about that, because I've spent a lot of time with Defense Minister Gallant when he's here and over there, and on Secretary Blinken missions throughout the region, we always end up going to Israel after Ghana and Egypt and Jordan and Saudi Arabia. The military in Israel, led by the defense minister, does not believe that Hamas can be eliminated. Obviously similar and Bill Burns was quoted over the weekend. It was an off-the-record session in Sun Valley, but it got somehow quoted. And I checked and it was accurate. And that is the assessment that Simar is the leader of Hamas. He's under a lot of pressure domestically from the Palestinians, who are suffering and are now beginning to blame the Hamas leadership as well, but also under pressure from the Israeli offense. I just want to say that Jeh Johnson has joined us happily. Jeh is with us now, and I just want to introduce everyone, of course, to the former homeland security secretary, former General Counsel at the Pentagon, Jeh Johnson, to join our conversation.

### **Johnson**

I'm with you for the moment. My internet is a little unstable, so but happy to be with you. Andrea and Mark. Nice to see you. I wish I were in Aspen.

### **Mitchell**

Well, we wish you were here. Yeah, we wish you were too. Just to break your heart further, because I know it was 102 in Washington. I was saying it was 66 here this morning, but they're still trying to try to get a plane.

### **Esper**

if you want to answer that question, and you can turn over to Jay and let him run for a while. But let me just say the Israeli military is correct. You, you can't eliminate, eliminate Hamas. It's an ideology, it's a cult, it's a movement, right? But what you can do, there are tangible things that you can do that a military can measure. You can dismantle the underground infrastructure. You can destroy all of their active brigades in terms of making them combat ineffective. We know what that means. You can eliminate their top leaders, and we know the past few days, they went against Mohammed thief, who is the top military commander there. We haven't confirmed. They haven't confirmed, not yet confirmed. And then you can, of course, secure the Philadelphia quarter, which is the boundary between Egypt and Israel, where they've been running supplies underground. So you can do those things. But otherwise you're not going to eliminate Hamas. What you're gonna have to do is have a presence there, or at least the means to, as we like to say colloquially, mow the grass every now and

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then, right, you see them pop up. You see them get strong. You go in, you take them out, you do these types of things, but you actually have to get a new administering authority there on the ground to do the police, the education, the governance, all those things that a normal state would do, and having it run by a terrorist organization is not a way forward, because we know, they've said over and over. They say they're going to do October 7 over and over and over again. And that's simply intolerable.

**Mitchell**

And a lot of this is going to come to the head next week. Many of you may know that Prime Minister Netanyahu is coming to Washington. He will get his long awaited meeting with the President. This has been a big cause of friction between Netanyahu and the Biden White House, because he did not get what he thought was the proper respect that he deserved when he was elected, because of differences over policy, and frankly, also because of the speech he gave in Congress at the invitation of the Republican leadership, which opposed the administration's policy, the Obama Biden policy in Iran. And now he's also giving a speech at the invitation of, well, both houses actually, bipartisan invitation next Wednesday, so there's going to be a very robust conversation. I should also add that several notes were handed to me. One was that Jeh was going to be on the monitor. Another is very unfortunately, and this could affect the summit next week, but maybe there are enough days to reschedule that meeting that the White House has apparently announced that President Biden has covid, which is certainly a setback for all of his plans, as he has a very busy campaign schedule over the next couple of days as he tries to deal with significant opposition from within his own party. That's another whole subject. Jeh, we talked about the threats and the Secret Service, and the Secret Service Director has been subpoenaed to appear next week, and the question that you could answer better than any of us is why that perimeter was not better secured? Was it a local responsibility? If so, why was there not better communication between the locals and the Secret Service, given that people were warning, were pointing to him on the roof there, there was a significant amount of time. There was, you know, almost 90 seconds when they were not on the roof. Apparently, one of the local police was hanging from the roof, but couldn't get to his gun because he was hanging with both hands on the edge of the roof. All this will come out, but from your experience on the way these things are planned, there's so much advance work by the Secret Service. Do you think that they are under sourced, under resourced? Was it because of the NATO summit the day before? Are they spread too thin?

**Johnson**

Couple of things. First of all, can you hear me?

**Mitchell**

Very, very well.



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**Johnson**

And can you see me? I don't know whether you can see me.

**Mitchell**

We can, we can see you. Are there monitors? Yes, we can all see you.

**Johnson**

Okay, all right, great. So, Andrea, honestly, I don't have a good answer to your question. I suspect that there will be one or more multiple investigations that will dig into every single moment second of that event, and at some point we will have answers. Now, a little bit of background. I was, of course, the cabinet level supervision of the Secret Service for three years. I was a protective of the Secret Service for three years. The Secret Service has to go out and pitch a no hitter every single game, because if any runner gets on first base, it's catastrophic. They have a very, very demanding job. I believe it is no accident. It is no dumb luck that it's been 43 years since anyone's tried to take a shot at a president or a future president or a past president. A lot of that is due to the hard work of the Secret Service interdicting plots and threats at their earliest stages before anyone can get anywhere near a Protectee. I believe what, first of all, Andrea, you're right that normally, when you're dealing with an event, a public event, and I should add that in 2015 I was the one that made the decision after consulting congressional leadership to give candidate Trump Secret Service protection. When you looked at the threat streams directed at him, back in 2015 he really didn't need it, and the Secretary of DHS has to make the decision about pre nomination, which candidates should get Secret Service protection, and he was very definitely one of them in 2015 but there is, Under normal circumstances, a lot of planning that goes into an event like this, I don't know, but I suspect that this campaign event was on short notice, but the Secret Service, when you're dealing with a protective like Donald Trump, has to coordinate the whole effort, just like they do with an NSSE or the UN General Assembly, the Secret Service is in charge. And what distresses me to see federal and local law enforcement doing this, because the secret services has overall responsibility. Of course, you're supposed to secure the perimeter of the event and mag everybody that comes into the event, if that's warranted, but they also have to secure any rooftop, any open window that has a direct line of fire under protection, certainly within 148 yards. I keep recalling the story about how seconds before John F Kennedy was shot, someone observed Lee Harvey Oswald in open window and a rifle, assuming he was security and a huge lesson learned from that experience is you have to secure any open window, any rooftop, within line of sight, within firing range of the protectee. And that very obviously did not happen here. And I, 24... like 12 hours after the event, I spoke to a very senior retired member of the Secret Service, and I said, "What do you think happened?" Probably a failure of communication. There was obviously a failure of communication between those who observed this kid on the roof, including local law enforcement, and those with the earpieces in the immediate proximity of President Trump, the message did not get to them quick enough, and so there was obviously a failure of communication. And I don't know what level



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of heightened security there was around him because of these reports about threats from the Iranians. I'm sure that'll come out, but their major hard questions have to be asked. Hard questions have to be learned. You'll recall that about 10 years ago, when I was secretary, we, we petitioned for an independent study of the Secret Service. They are under-resourced. The Secret Service is a law enforcement agency. It is half law enforcement, financial crimes, counterfeit currency and half protection. And the virtue of that is then, when you, when our campaign season and election year, they can surge people, put people off law enforcement, put them into protection. But they're always challenged. Just Monday of this week, they picked up new two new protectees, Robert Kennedy Jr, and the vice presidential nominee of the Republican Party, and that requires a dedicated team for each but something went very, very wrong on Saturday.

### **Mitchell**

Let me ask you one other question about that. When I first saw the footage on Saturday, I thought that what they had done once the former president was shot was textbook, got him on the ground until they clearly had communication that the shooter was down, and then moved him to the armored vehicle. Then I looked at it over and over and over again, and questions are raised about the amount of time it took them to get him into the vehicle, the fact that his head popped up, the iconic fist bump. Fight, fight, fight. That he was above, you know, he was not completely surrounded by them. And you know, where are my shoes? I want to get my shoes. Is there also an issue with a Protectee having, you know, with especially one with a large personality, let's say, having too much influence on the detail.

### **Johnson**

It's difficult for me to second guess that particular moment. The training and the instinct of a secret service agent on protection in close proximity to the Protectee is to first of all, shield him. So you saw the agents literally erecting themselves as human shields in case someone else took a shot at him. They were prepared to take that bullet. But the training and the instinct is to get the Protectee out of the area, into the armored vehicle and have the armored vehicle zoom away, out of the site. And you know, Donald Trump's not a small person, so it's not like if you just lift him up and cart him away, and the Protectee has to cooperate with the effort to move him quickly. So it's hard for me to second guess that particular movement. In the first instance, they did what they were supposed to do, which was immediately surround him and shield him and be prepared to take a bullet for him. And eventually, they got him on his feet, and they pushed him into the armored Suburban. You know, he did what he did with the fist. But it's a very, very difficult, challenging circumstance and a very, very stressful situation where you don't exactly know what the threat is and where it's coming from.

### **Esper**

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If I can elevate the discussion a little bit to to speak to the bigger issues, because I think that the tactics are important, but I think they play in they feed into the bigger thing that troubles, not to say bigger, but another thing that really troubles me, and I'm sure all of us, and that is the really, the harsh political discourse that's out there right now surrounding this event. So that was my next question. So now you have the blame game. As Jay rightly said, people pointing fingers. You know, is it local or state versus federal? Who did this? Who did that? You have folks on the right who, each side has conspiracy theories about what happened, what didn't happen. And I think the lesson right now, and Jay and I have both been here when something happens and things happen when you're in these jobs. And I think this has harmed the service over the last few days. You can't come out every day with a different reason, right? You know it was, well, maybe it was local. Then the next one was the roof was too smoked to put somebody on there, and now it's not enough resources there. There seems to be this drip, drip, drip. And I think that the thing is, you have to immediately launch an investigation and hold firm and wait for that event's investigation to come out and get more details before you start throwing things out there. I mean, you do want to be transparent, but you got to be careful that you're not feeding the bigger beast, because now it looks like we're hopping from excuse to excuse. And I know that's not the intent, because the Secret Service is extremely professional, but it just kind of feeds into this broader turmoil of each side blaming and saying, this happened. This didn't happen, and it's a cover up, and the director should be fired and not fired. I think we just need to settle things down. And that first responsibility, by the way, lies with political leaders on both sides of the spectrum, right, elected, non-elected, you name it is to say, calm things down. Let's let things sort themselves out. Let's do... having an investigation from the Hill is fine. That makes sense. Other things, but I think we just need to calm that piece of it down.

### **Johnson**

And if I could add, if I could add, I think Mark is exactly right. You know, as I've gotten to know Mark, I found that he and I have to agree on a lot, and I think we share some of the same values. Mark, I hope I haven't blacklisted you from any future Republican administration by saying that.

### **Esper**

Thanks Jeh. Love you too.

### **Johnson**

But the political discourse right now is terrible, and I have said numerous times that unacceptable rhetoric makes unacceptable behavior acceptable, and for the dangerous, deranged among us, violence inevitable. And that's what happened on Saturday. That's what happened to Nancy Pelosi's husband. That's what almost happened to Brett Kavanaugh and numerous other high profile individuals. But let's not also forget one of the major problems we have in this country, which led to the result on Saturday was the prevalence of guns in America. Guns are part of our culture. It's

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enshrined in the Second Amendment, but it's not an all-or-nothing proposition. Every constitutional right is qualified to one degree or another, and it is appalling and inexcusable to me that a deranged and apparently deranged 20-year-old can get his hands on an AR 15, so easily which, in my judgment, is a weapon of war with no legitimate use in society. And, you know, we're back to that same issue all over again, unfortunately.

**Mitchell**

Secretary Esper, let me ask you also about the political climate right now because you worked closely with Donald Trump, you wrote, in *A Sacred Oath* about the experiences you had on June 1, 2020.

**Esper**

I wrote where? You said I wrote where?

**Mitchell**

In your book, *A Sacred Oath*.

**Esper**

Ok, good. I'm just trying to get another plug.

**Mitchell**

Oh I'm sorry, yes.

**Esper**

Still on sale.

**Mitchell**

Still on sale. Maybe in paperback. I interviewed you about it. Yes, the book is *A Sacred Oath*.

**Johnson**

Mark, it's somewhere on this bookshelf back here, okay?

**Esper**

Thanks, Jeh. That's what I needed.

**Mitchell**

It's front and center. I thought somehow I had misstated the name, but how could I forget it? So you wrote about the events in Lafayette Park in the Oval Office, and looking forward, you talked about how there were conversations with you and Joint Chiefs Chairman Mark Milley at the time, and the

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then president wanted to invoke the insurrection act and deploy 10,000 active duty troops to the streets of Washington. And at a pivotal, pivotal point, the President asked the Chairman of the Joint Chiefs, "Can't you just shoot them in the legs or something?" And you were all taken aback, and you stressed that it was a law enforcement action, and if there were any role at all for the military, it would be the National Guard. So the question looking forward is, what if he's in office again and is not surrounded by Mark Esper and Mark Milley and other people to remind him of those restraints, and what concerns, if any, do you have, and what should the national conversation be about the use of force?

### **Esper**

Well, I think it would be able to have a national discussion about the use of force, specifically the use of the military in some type of law enforcement role. And of course, it broadens out to get to the relationship between the military and the American military and the 332 million people we serve here in this country to protect and defend with our lives and livelihoods. And so I think that discussion needs to be had as well. Look, my, my, my view hasn't changed since then. I don't see a role. I don't see a role for the active duty military and law enforcement unless, as I said on 36 hours later, on the morning of June 3 at the Pentagon, and I know some of the Pentagon reporters are here, that unless it's the most urgent and dire situations, and I don't see that happening. So look, my view is always, as we argued in the oval office that day, subsequent days and in subsequent weeks leading through the summer, that these are protests that get out of hand. And there were, there were some protests in DC at the time, and later in Portland and stuff like that. That's the responsibility of law enforcement, and there is no role for DOD if you get to the point where local, then state and then federal law enforcement can't handle it, then there's a role for the National Guard under the governor's supervision first and then really consistent with its role, which is really protecting government facilities and things like that. So look, my concern was always you shouldn't put the US military in a situation where it can go really bad. We saw that in Kent State, right? Remember that we are our purpose is to support and defend the American people, not to be used as a law enforcement tool against them directly. And so I like to kind of keep that relationship. I think it's important to defend the institution, that the professional creed and ethics of the military profession. And I hope there will be people around the President, if he's elected, that will continue to emphasize those things and assert those things. And to me, that's important. And not just by the way, to DOD as institution, but the DOJ, which I think will be another institution under a lot of duress and DHS that Jeh ran, and so the institutions of our government are what preserve our democracy as we as it's been, as it as it functions, as the American people have have noted for many, many decades.

### **Mitchell**

***\*\*Note that this is an automated transcription and may contain inaccuracies. Please refer to the [original YouTube recording](#) as well\*\****

And Jeh, we talked a lot before you joined us about the Iran Threat as well, and we only have a few seconds left. But if you, if you want to speak to that, the foreign threats and the way the US is responding to them.

### **Johnson**

The threats to our homeland continue to evolve, and we've always got to stay one step ahead of it. If I could just briefly go back to something Mark just said, a bipartisan group of us, led by Bob Bauer and Jack Goldsmith recently put forth the Congress recommended changes to the Insurrection Act. The Insurrection Act has language that is antiquated. It's quite broad. When you look at it carefully, you realize the President could invoke the insurrection act and call out the military in almost any domestic circumstance, which is really frightening. And the bottom line of all of this, this entire discussion, is our Constitution. Our constitutional framework has a lot of gray in it, and it assumes that the leaders, those in power in all three branches of the government, respect constitutional norms, respect their oath to the Constitution, and will not abide by the letter, but also the spirit of our Constitution and our rule of law. And if there is someone in office that does not do that, it can cause a lot of havoc and a lot of danger.

### **Mitchell**

Jeh Johnson, thank you so much. Mark Esper, do you think we're out of time? A last word or...?

### **Esper**

Look, I think Jay hit it on the head. I think regardless of what administration, Democrat, Republican, today, the future, I think you know your oath is to the Constitution, and your loyalty is, is not to a party, not to philosophy, not to a president, but to the American people. It's country first, and that oath to the Constitution, and that's, I believe that's what the framers intended, and I believe that's what our predecessors intended as well. And I think that's what makes America's democracy so special and so unique.

### **Mitchell**

And if I may say, I know a lot of people who joined the military or went into public service after 9/11 inspired by that horrific event, and I can't think of a higher calling than being in public service. So I just want to thank Jeh Johnson and Mark Esper for what they have done for our country and just say that more people need to do that. We now have more members of Congress than we've had for a while, in the immediate post Vietnam era, who have actually served has really informed, from both parties, better informed the conversations and the decision making in Congress. Thank you.

### **Esper and Johnson**

Thank you.

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