

THE ASPEN INSTITUTE

ASPEN INSTITUTE HOMELAND SECURITY PROGRAM 2014  
HURST LECTURE SERIES - HOMELAND SECURITY FORUM  
ASSESSING THE DEPARTMENT OF HOMELAND SECURITY

Doerr-Hosier Center  
McNulty Room  
Aspen, Colorado

Thursday, July 24, 2014

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ASSESSING THE DEPARTMENT OF HOMELAND SECURITY

MR. POLITO: This panel is called Assessing the Department of Homeland Security. In this panel we will go ahead and look at some of the big hard-hitting issues of today in DHS, and then we will back up and talk about some of the background and higher-level issues as it relates to the Department.

Hello, my name is Ron Polito. I am the managing partner of Grant Thornton's federal practice, based in Alexandria, Virginia. We are a proud sponsor of the forum and are pleased to be here today. As I mentioned, the panel is assessing the Department of Homeland Security, taking a look at some of the big issues impacting the organization today, and then backing up and taking a higher look at the organization.

I'll go ahead and begin by introducing our moderator, Dina Temple-Raston. Dina Temple-Raston is NPR's Counterterrorism Correspondent. She began covering terrorism since 2005, and began research on a suspected Al-Qaida sleeper cell in America known as the Lackawanna Six. Her book on the subject, *The Jihad Next Door: Rough Justice in the Age of Terror*, was published in 2007. She's written four books. She has reported from nearly 50 countries, including Yemen, Afghanistan, Iraq, Pakistan, for National Public Radio. She was awarded the Newman Fellowship at Harvard in 2013, and has just conducted a year research in the intersection of big data and intelligence. With that, take it over. Thank you.

MS. TEMPLE-RASTON: Thank you very much for being here.

(Applause)

MS. TEMPLE-RASTON: Well, for most of you in this audience, Secretary Jeh Johnson doesn't really need an introduction. He's been DHS Secretary since the end of last year, and before that he served as general counsel at DOD. So he basically oversaw the development of the legal aspects of many of our counterterrorism policies, and now as DHS Secretary he's on the frontlines of that. And I

hope you'll join me in welcoming him to this year's Aspen Security Forum.

(Applause)

MS. TEMPLE-RASTON: So I wanted to start by talking a little bit about immigration just because it's so in the news, and then I'll bring it back around to terrorism, and specifically, this issue of unaccompanied children that are showing up. And you've been down at the border. You've seen this firsthand. Can you describe to us what you saw and how it affected you?

SEC. JOHNSON: First of all, Dina, I want to say a word about this forum. I think that the Aspen Security Forum, it's a great concept. It's my second year here. It's informative for people like me. It's a great opportunity to get together with good friends, members of the press. I was here last year as a private citizen up on this stage. I think it's the case that we had the liveliest panel. It was me, Jane Harmon, Mike Isikoff was the moderator, Neil McBride, Raj De, and Anthony Romero, of the ACLU, and I remember that moment when Anthony said, "All right. I'm going to go out on a limb here and say that Edward Snowden did us a public service," and Jane and I wrestled him to the ground, and --

(Laughter)

SEC. JOHNSON: But it was the type of lively debate that I think is really, really worthwhile in settings such as this.

The other thing I want to say just briefly, this is, for me, an opportunity to get with some really, really good friends when I was out of public service last year, before I knew that I was going to be pulled back in. Where did that line come from? "Godfather III."

MS. TEMPLE-RASTON: Pull me back in.

SEC. JOHNSON: I really missed the people in the Department of Defense and public service. Two people, in particular, that I'm really glad to see. We have a lot of

really great Americans here who served an entire career in the United States Military. Two, in particular, I want to single out are my good friends, Carter Ham and John Allen.

(Applause)

SEC. JOHNSON: Carter is a very modest man. Not many people know this about Carter Ham. He started in the United States Army in 1973 as a private first class. How many people go from E-1 to O-10 in an army career? He went all the way through. He and I were the coauthors of the report that led to the repeal of Don't Ask, Don't Tell. Susan and I spent Thanksgiving with Carter and Christi in Landstuhl Hospital, 2010. And John Allen is a good friend. He's, like Carter, a man of remarkable character and integrity, did a remarkable job as our commanding general in Afghanistan. And I spent Thanksgiving with John and his troops in Afghanistan in 2012.

And so I just wanted to highlight John and Carter as two great examples of what our United States Military produces, and wanted to give a shout out to the two of them to thank them, Admiral Olson, and the other retired military who are here. So let's give them all a shout out.

(Applause)

SEC. JOHNSON: Now --

MS. TEMPLE-RASTON: Do you want me to ask the question again?

SEC. JOHNSON: -- the kids on the border. No. I haven't forgotten your question. I came into office December 23rd, and almost from the beginning I was hearing about the issue of unaccompanied kids coming into the Rio Grande Valley illegally. I went down to Brownsville, to our detention center near Brownsville in January. One of the things that struck me then was that day we had 995 detainees, only 18 percent of whom were from Mexico. And this is a mile from the Mexican border. The other 82 percent were from 30 different countries all across the

globe, different continents, and so it was apparent to me then that the Rio Grande Valley Sector of the Southwest border needed to be an area of particular concern.

In January, in our budget process, we estimated that we were going to have 60,000 unaccompanied kids coming in. We ramped up resources. And then the numbers really began to spike to an unprecedented level in the period March, April, May. I was hearing reports about this and recognized that we needed a plan to deal with it.

Thursday before Mother's Day, so that was probably May 8th, I got a report from the Customs and Border Protection that the numbers were really spiking up, and we needed to address it, and they were recommending certain things to me that I needed to do as the Secretary of DHS on a DHS-wide basis to address this spike in migration by the kids.

And so my wife, Susan, who's over there, and I were planning to go out to California to visit our son at Occidental College, and we were going to fly back in time to spend the rest of the day with our daughter, who's back in Washington, for Mother's Day. And I said to Susan, "While we're out there would you mind stopping with me in South Texas to see a lot of other kids in between our two kids?" And we went there to the processing center at McAllen Station, and when you walk into a border patrol processing center you see a long table with border patrol agents in green sitting on one side in front of computer terminals, and they're conducting interviews of the illegal migrants that have just come in, most often adult men, and they're taking down basic information, name, where you're from, age, and so forth, and so on.

And we walked in on this particular day, it was Sunday, May 11th, Mother's Day, and first of all, it was flooded with people, kids, and what was most striking is on this long processing table you've got the border patrol agents in their green uniforms, and on the other side, sitting on benches, are 7-, 8-year-old children, 10-year-old children being interviewed and processed. And my first encounter, I've been there probably, I've lost count, but I've been there five times, I think, and every

time I go there I spend time talking to the children about why they made this journey. And my first encounter was the most memorable.

I saw this little girl with this beautiful long black hair, she was about 10 or 12 years old, sitting there being interviewed by a border patrol agent, and I asked her, "Where's your mother?" And through the translator she said, "My mother is dead. I'm looking for my father in the United States. That's why I came here." And the translator started to cry. The little girl started to cry. And I don't mind telling you I started to cry. And I came back to Washington the next day realizing this was a big problem, and we had to do something about it. And I made a bunch of phone calls to the ambassadors of the three Central American countries, the ambassador from Mexico, Kathleen Sebelius, the Secretary of HHS then, Deputy Secretary of Defense, the American Red Cross, to mobilize, to begin the process of mobilizing the resources that we needed to address this problem.

And as I'm sure you know, we've brought to bear a lot of resources to address it. Over the last four to six weeks, the numbers have been going down, and overall apprehensions among kids, adults with kids, unaccompanied adults, it reached its high water mark around June 10th, and it's been going back down, but it could spike back up again at any moment, and so we've surged resources, and we have on Capitol Hill right now a request for supplemental funding, which is critical, which Congress is going to be taking up this week and next week, and if it doesn't pass, we're going to run out of money to deal with this.

And I've got my CFO working overtime without sleep trying to figure out how we are going to pay for this if Congress doesn't act. And basically, that's not an option because I'm going to have to dial back all the things we've done to surge resources to deal with this spike unless Congress acts. So I've been in a number of conversations with members on both sides of the aisle about the urgency of this, and we really need it to pass. So sorry for the long-winded answer.

MS. TEMPLE-RASTON: Do you know what happened to

the little girl?

SEC. JOHNSON: I do not know what happened to the little girl, and that's something I will wonder about all the rest of my life.

MS. TEMPLE-RASTON: So just to bring this back to the National Security Forum, one of the things that people are talking about is that perhaps terrorists are coming through at the same time as this big flow. Is that happening? How do you know it isn't? How are you checking that it doesn't?

SEC. JOHNSON: Insofar as the migration, the illegal migration into the Rio Grande Valley Sector, we've seen very, very little evidence of that, very few indicators of that. This spike in migration is a problem for a lot of reasons, but we've seen very, very few instances of that. We've got to be very vigilant when it comes to that, that somebody doesn't try to take advantage of this surge, and the resources we've had to dedicate to it.

When I go down to South Texas the first question I ask the border patrol chief in that sector is, "Chief, do you have what you need so that you're not taking your eye off the ball when it comes to the security of the border on the border?" And we have that conversation, and if there's any doubt in that answer we give them more resources, because I want to be sure that we do keep people on the border doing their day-to-day jobs.

MS. TEMPLE-RASTON: And when you say there are no indications of that, what's an indication that people who normally wouldn't be coming through the border are coming through?

SEC. JOHNSON: We have ways of looking at those who are apprehended, their profile, who they are, where they're from, and if there are indicators that somebody might be motivated by terrorism, that is a fact that is noted in the regular reports.

MS. TEMPLE-RASTON: So you're seeing no

indication of change, is that basically what you're saying?

SEC. JOHNSON: I've seen very, very little indication of it. You know, one or two potentially problematic situations, but as of now we've seen very little indication of it.

MS. TEMPLE-RASTON: The reason I ask is because Foreign Fighters is clearly one of the issues that we're focused on in the National Security realm.

SEC. JOHNSON: As has been discussed all morning. Yes.

MS. TEMPLE-RASTON: And I'm going to beat that dead horse as well. You know, I've heard between 3,000 and 10,000 western passport holders have gone to the fight, and that there are about 100 Americans. Can you give us an indication of how close those numbers are, and what you're seeing in terms of trends?

SEC. JOHNSON: Well, I think all the experts who have come before me have correctly diagnosed the problem, and the numbers are very troublesome. I would say that the numbers from other countries are larger than ours, but they are countries that are visa waiver countries, or countries where somebody determined to commit an extremist act could easily come from into the United States. And so this is not just simply a matter of tracking the Americans who pick up and go to Syria, and we've been making pretty good efforts to do that, and I get routine reports on who's leaving, who's thinking about leaving. There have been some arrests made. But larger problem, our tracking with our European allies and friends, those who are nationals of these other countries who may go to Syria. They go there for one purpose, they're motivated and recruited for another extremist purpose in the West, come back to their country, and then may think about coming to ours. And that's the thing that whenever I meet with my European counterparts is number one in the list of discussion topics.

MS. TEMPLE-RASTON: So is the number closer to

3,000 or closer to 10,000 in terms of Western passport holders?

SEC. JOHNSON: I think it's -- it all depends on how you count. If you count who's actually gone, you get one number. If you count who might be thinking about going, if you count who the intelligence indicates might be thinking about going, it's a very different number. So it depends on how you count, but basically, the numbers in these other countries are quite large, and that is a main, main focus of our efforts.

MS. TEMPLE-RASTON: What's the number you use?

SEC. JOHNSON: The number I just gave you.

(Laughter)

SEC. JOHNSON: Very, very large.

MS. TEMPLE-RASTON: That was a very -- there are some zeroes in there. That's all I really caught. So have you -- you know, with all --

SEC. JOHNSON: Look, I agree with what I think Mike Vickers said, that in terms of potential threats to the homeland, Yemen, Syria are at the top of the list.

MS. TEMPLE-RASTON: So have you found that -- you talk about working with your European partners in this fight against allowing Foreign Fighters to come back. Have you found that the NSA revelations have made them drag their feet or change their attitude toward providing that kind of information?

SEC. JOHNSON: The NSA revelations -- I lived through WikiLeaks, when I was general counsel of the Defense Department. We thought WikiLeaks was big. The NSA disclosures are, in my judgment, and I think the judgment of most people, far more significant, and have had far broader repercussions that are still being felt today.

It is definitely in our discussions with our

European friends and allies a complicating factor and a sensitivity. When I talk to my counterparts in Homeland Security, Ministers of the Interior, I think they'd like to be past this, and for the most part, I think we've returned to productive professional cordial, friendly discussions, but it still looms out there, and it is one of the ways in which these disclosures have had a huge impact on our foreign relations and our national security.

MS. TEMPLE-RASTON: And just more generally, the European sort of feelings about privacy for their citizens, does that make them drag their feet about giving you names or giving you more details?

SEC. JOHNSON: It's part of the European culture, and it's true in this country too, to cherish privacy, cherish freedom of movement, civil liberties. And so it's something we're working through, and I think we're making some progress because our European friends appreciate the significance and the potential threats presented by the Syria issue.

MS. TEMPLE-RASTON: So in that same vein, in the past week or so, a Norwegian named Anders Dale was designated a terrorist in this country. And he had come and go from Yemen from I think from about 2008, come and go back to Norway, and then stayed in Yemen starting 2011. Why designate him now, and do you know where he is?

SEC. JOHNSON: I don't think I'm in a position to comment about a particular case.

MS. TEMPLE-RASTON: So okay. Rats. Okay. How about --

(Laughter)

SEC. JOHNSON: I can spend the next two minutes dodging your question, or I could just be straightforward and say --

MS. TEMPLE-RASTON: Well, it will save us a lot of time.

SEC. JOHNSON: -- I don't want to talk about a particular case.

MS. TEMPLE-RASTON: Okay. But there was an announcement from Norway this morning about a potential attack from people who traveled to Syria, and may be coming back. Can you go as far as to say that they might be linked?

SEC. JOHNSON: Again, I'm not in a position to comment about a specific case or episode, but for Europe and for this country, what is happening in Syria and what Syria and the extremists there represent is potentially very troublesome for us. And I'm pleased that early on we've recognized, before this problem gets worse, that this is a top priority for our government, in terms of national security, foreign relations, and homeland security. I said in February that Syria had become a matter of homeland security. I said it at the Wilson Center, and that is true. That is still true.

MS. TEMPLE-RASTON: And do you think Syria is a bigger issue and ISIS is a bigger issue than, say Al-Qaida in the Arabian Peninsula, AQAP, it's --

SEC. JOHNSON: I look at it this way. Al-Qaida in the Arabian Peninsula is still strong, still active, and it's still active in its efforts to attack this homeland. Syria, the foreign fighters there also present real challenges, real concerns, when it comes to our homeland. So we're concerned first with those threats and organizations that have real aspirations to attack the homeland, and have the capability in one form or another to attack the homeland.

We're concerned about organizations like ISIS that acquire territory. Somebody said to me yesterday, and I don't know whether this is historically accurate, that when a terrorist organization acquires territory for training, they almost always eventually try to attack the United States. I don't know whether that's historically accurate, but it sounds right. And so we're concerned about this type of organization, which is very dangerous, and probably wants to try to prove itself in one way or

another, could go further along in its efforts to attack our homeland.

MS. TEMPLE-RASTON: So let me talk --

SEC. JOHNSON: So first and foremost I'm concerned about those organizations that have the intent and the capability right now to try to attack the homeland, and a lot of this, and I'm sure you'll get to this, centers around aviation security, which we heard a lot about this morning from John.

MS. TEMPLE-RASTON: Is there a combination of ISIS and AQAP? There were certainly new stories that were out there that said that AQAP was helping ISIS with some nefarious training. Can you talk about that?

SEC. JOHNSON: Well, you know, I used to, in my old job, focus a lot on the affiliations and connections between these groups for purposes of assessing whether we had the legal authority to go after an Al-Qaida affiliate as an "associated force," under the AUMF, and our legal interpretations of the AUMF, we determined that if the group is an associated force of core Al-Qaida, they, too, are a lawful military objective. And in the first term we developed the definition of an associated force, and we utilized it in going after Al-Qaida in the Arabian Peninsula, the Al-Qaida elements of Al-Shabab.

I'm focused more in my current job as Secretary of Homeland Security of what each of these groups represents, in terms of their capability and their aspirations. Do these groups talk to each other, do they share resources, do they share information, do they share people? Very likely, yes. As you know, core Al-Qaida has denounced ISIS, but I suspect it's a more complicated picture than that.

MS. TEMPLE-RASTON: So do you think ISIS falls under the AUMF? Is it an affiliate --

SEC. JOHNSON: I am out of the business of making those kinds of judgments right now.

MS. TEMPLE-RASTON: Okay.

SEC. JOHNSON: And for several reasons; (a) As the Secretary of Homeland Security I'm focused, as I said, on what the capabilities are of each group separately, but that judgment also is a very fact-intense, intelligence-intense analysis, which I'm focused on, but not focused on for those purposes any more.

MS. TEMPLE-RASTON: So let me take you back to your old job then, and talk about the difference in lenses. You used to look at terrorism through a DOD lens --

SEC. JOHNSON: Yes.

MS. TEMPLE-RASTON: -- and now you're looking at it through a DHS lens. How are those lenses different and how are they the same? And do they inform each other?

SEC. JOHNSON: They definitely inform each other. I learned a lot about terrorist organizations in my last job. The most significant weightiest part of my last job was to sign off on the legality of military operations that the Secretary of Defense and the President had to approve, which included most often targeted lethal force. I took that responsibility very seriously. It was at the top of my list. If a request came in, I had to drop whatever I was doing. Sometimes I'd have a couple of days. Sometimes I'd have 30 minutes.

MS. TEMPLE-RASTON: I'm sorry. A request to actually target someone, is that what you mean?

SEC. JOHNSON: Request for action, right.

MS. TEMPLE-RASTON: Okay.

SEC. JOHNSON: Right. And so that inquiry involved an assessment of the individual, what he was up to, what his affiliations were, and the group that he was part of. And so I was a consumer of the intelligence in a very lawyerly way, and I'd go beyond very often what's presented in the slides, in the PowerPoint slides, and I'd

want to dig into the intelligence and make sure we're getting the full and accurate picture. And so that informed my job the last time around, and that was a big part of my job the last time around.

Now when I look at the Intel about each of these groups, each of these terrorist organizations from the Homeland Security perspective every morning at 8:30 I look at it from the lens of what are the efforts to attack the homeland, how active are they, how far along are they? We have to sort out a lot of noise in the intelligence, as the intelligence experts here in the room know, to determine what's real, what's not, and so I'm looking at it from that different perspective. But the last job definitely informs this job, in that I have a basic familiarity with a lot of these groups, but in that period of time, from the first 4 years of the Obama Administration and now, the picture has become more complicated. It's become more decentralized. There are more Al-Qaida adherence, who are not necessarily associated forces, so it's become a more complicated picture, and I think we saw a taste of that with the Benghazi attack.

MS. TEMPLE-RASTON: Well, at the Oxford Union in November 2012 you gave a rather famous or infamous speech about having to think about what would happen when the conflict against Al-Qaida and its affiliates ended, and you talked about tipping points that would make this no longer considered an armed conflict, but instead be seen more as a traditional law enforcement model. Does ISIS and Syria change your views on that at all?

SEC. JOHNSON: Well, what I said in that speech in very lawyerly terms was that there's going to come a point where the organization that the Congress and Jane authorized military force to go against in 2001 is no longer going to resemble the organization that we're up against in 2012, because it's an affiliate. It's morphed. A lot of the leaders are dead or captured, and we have to reckon with that fact that the organization that we're looking at today doesn't resemble the organization that Congress effectively declared war against 12, 13 years before, and we have to recognize that, given how it's

evolving, and morphing, and metastasizing. So that was my very lawyerly way of trying to deliver that message.

A lot of people interpreted it to mean, and I did kind of say this, that perpetual warfare is not good. There has to be an end. There are different ways to end wars. Against a conventional enemy, you end a war by signing a peace treaty on the deck of a ship, or you come to terms, and Congress formally withdraws its war authority. Against a non-state actor, it will be different, and we need to think about how it will be different, what are the signs of the end of a conflict. And I didn't say this, but one of the things that was a natural follow-on to that discussion is, well, what should the legal architecture be next to replace --

MS. TEMPLE-RASTON: Anticipating these changes.

SEC. JOHNSON: -- conventional warfare against an enemy that's morphed, and become more decentralized? And that's something that a lot of people talk about. Unfortunately, our Congress has not been able to grapple with it. It's extremely difficult, contentious subject, as you might imagine. And so what I was careful not to say, it's over, and we need a new way of thinking, because I would not dare to try to predict that it was over.

MS. TEMPLE-RASTON: I guess my point being is the difference between 2012, and the way we view terrorism then and the way we view it now in the wake of Syria and what has happened in Iraq is that what might have seemed like a light at the end of the tunnel in 2012 seems a good distance off now comparatively. Do you agree with that? Do you think it's being kicked down the road?

SEC. JOHNSON: The picture has definitely evolved. And I go back to 2001. I go back to 1998, 2001, that period, where you had a core Al-Qaida, unconventional enemy, but with a fairly conventional command and control structure. You've got the inspirational leader. You've got the operational guy, the external operations guy. You had a fairly conventional command and control structure in place that sent a bunch of guys off to the United States to conduct an operation.

In the 2009 period, and I'll talk just from my frame of reference in this Administration, we saw the rise of the affiliates, and so we spent a lot of time speaking for the U.S. Military in the Arabian Peninsula, in Yemen, in the Horn of Africa, with Al-Shabab, Al-Qaida affiliates, or associated forces, because they represented the active threat, Al-Qaida in the Arabian Peninsula, definitely.

And we're now seeing -- and it was from that point of view that I gave the speech at the Oxford Union in 2012. We're now seeing an evolving picture where it's becoming more complicated. There are more groups that are spinoffs that Al-Qaida is denouncing, presents an interesting legal question, which I'm happy not to have to answer, whether if core Al-Qaida denounces you and disassociates itself from you, are you still an associated force? Some lawyer somewhere I'm sure has tried to answer that question. So it's become a more complicated picture.

It's still a dangerous world. The efforts against the terrorist threat in this country are by no means over. It's an evolving picture. It's an evolving type of threat, in my view, which includes, by the way, and we've talked about this a little bit, countering violent extremism at home, and so we got a taste of that with the Boston Marathon bombing last year. And so I'm personally spending a lot of time domestic CBE, talking to community-based groups, Syrian-American community-based groups. I spoke with one in the Chicago suburb a couple of months ago, Willowbrook, Illinois. It was a very productive discussion.

We've got in the Department of Homeland Security a fairly active CBE initiative. People are really good at this, and I'm going to do more of this myself in other parts of the country, and we're identifying places to go now, because I think it's an important message to deliver for purposes of countering violent extremism at home. "Inspire" Magazine is a real threat. We know of terrorists who have been inspired by "Inspire," so --

MS. TEMPLE-RASTON: But isn't "Inspire" sort of

the last generation. Isn't what we're seeing now in this sort of radicalization something much closer to real-time social media recruitment, guys who are in Syria taking pictures of carrying guns in the battlefield and what they blew up?

SEC. JOHNSON: Yes.

MS. TEMPLE-RASTON: And that's what's coming back now. Isn't it a really different kind of threat than what you were facing before?

SEC. JOHNSON: It's all of the above. We know for a fact people who have received and read "Inspire" Magazine in this country, and have been motivated at various points to want to commit a violent act.

MS. TEMPLE-RASTON: And as you're looking at these Foreign Fighters is this social media something that is helping you? Because there used to be avatars, and secret bulletin, and chat rooms, and --

SEC. JOHNSON: Yes.

MS. TEMPLE-RASTON: -- and now they have their photograph out there for all to see. I am actually messaging with people who say they're on the front lines of Syria, and have photographs that seem to indicate that they are. You must be doing the same.

SEC. JOHNSON: Social media is a --

MS. TEMPLE-RASTON: Maybe a little less friendly messages.

SEC. JOHNSON: -- window for us that is useful in national security, homeland security, and law enforcement. Definitely.

MS. TEMPLE-RASTON: In a new way, with this particular conflict?

SEC. JOHNSON: In a new way, given the current existing threats. Yes.

MS. TEMPLE-RASTON: Okay. So we were talking about different kinds of threats and their --

SEC. JOHNSON: There is a cost any time we resort to kinetic force.

MS. TEMPLE-RASTON: But there are people who want to do that, is that right?

SEC. JOHNSON: There's a cost any time you put kinetic -- the United States puts kinetic force in a foreign land, which we have to carefully assess. Do the costs outweigh the benefits? You leave a big hole in the ground in a community, in a neighborhood someplace, there's a cost to that, in terms of propaganda, recruitment. We talked earlier about trying to speak to the more moderate influences in that part of the world, and so there's a cost to putting kinetic force, targeted lethal force on a battlefield any place in the world.

That does not mean that we can sort of sit back and wait to see how the ISIS threat evolves. I think we need to pay very close attention to it, and I think that through our intelligence collection efforts and some of the other things we've talked about here today we do a pretty decent job of it, and there's a progression in the history of groups like this, which is fairly predictable. It's what I said earlier. Any time a terrorist organization acquires territory, that should be very troublesome to the United States, and so we've got to keep a close eye on it, and address it in various forms.

MS. TEMPLE-RASTON: Okay. So let me move to the DHS more generally.

SEC. JOHNSON: Yes.

MS. TEMPLE-RASTON: And there's something, if you could put it up on the screen, and you'll see on your tables, there's actually a "New York Times" ad that came out that was -- it's better to see it on the table.

SEC. JOHNSON: The ad is signed by people in

this room. Thank you.

MS. TEMPLE-RASTON: Yeah. Thank you.

SEC. JOHNSON: Thank you very much.

MS. TEMPLE-RASTON: Meryl Tordoff (phonetic) was partly behind this.

SEC. JOHNSON: These are all committees and subcommittees of Congress, and that thing down at the bottom with all the lines drawn into it is me.

MS. TEMPLE-RASTON: He's all alone at the bottom. So there are various numbers that have been bandied about. In 2004 I think the number was -- or 2012. And the number used to be 84. Now the number, apparently, is 92, and --

SEC. JOHNSON: I've heard so many different numbers. I think it depends on how you count. Eighty-eight, ninety-two. The number I keep hearing is 108.

MS. TEMPLE-RASTON: Okay. I'm assuming that you think that's too many.

(Laughter)

SEC. JOHNSON: I really, really respect the role of Congress. They're the stockholders. But there's a point where oversight is too much. I think it was Mike Hayden who said that the CIA has lots of congressional oversight. The Department of Homeland Security, because of the way in which it was aligned in 2003, has lots of congressional oversight. You know, we put together a merger of a lot of different Federal Government components without any of the congressional committees that oversee all those components relinquishing their jurisdiction. So I've got nominees for senior positions who have to appear before more than one committee for confirmation, and fortunately I haven't had to testify too many times in 6 months. It's somewhere around eight or nine times, but we do spend a lot of time with our staff responding to congressionals, responding to interests, and it definitely

takes away from the mission that I know the taxpayers and Congress want us to be focused on.

MS. TEMPLE-RASTON: In your last job, how many oversight committees were you dealing with?

SEC. JOHNSON: This was the one respect in which the Department of Defense was a lot simpler. You had the House Armed Services Committee and the Senate Armed Services Committee, and those two committees were (inaudible) in their jurisdiction. I rarely, if ever, showed up in front of a judiciary committee or an Intel committee, and if I did, there might be -- there very likely would be reverberations if I did.

MS. TEMPLE-RASTON: Okay. So let me just finish up before we go to questions by talking about turf, which is always an issue in Washington. How well is DHS and the FBI dividing up domestic intelligence and security responsibilities? Let me just give one example, or maybe two. Homeland Security investigators have declared that they're the FBI at DHS, and they can do anything the FBI can do. Is that going on?

And another example is in cyber, which we've sort of touched on a couple of times here. Both organizations have key responsibilities in this area. Which agency should the industry go to for cyber issues?

SEC. JOHNSON: The Department of Homeland Security is the principal interface with the private sector, with the dot.com world, for the Federal Government, and that's how it should be. I believe most people, including in the NSA, the FBI, and other elements of our government, agree with that. Now we spend within DHS, within MPPD a lot of time coordinating and cooperating with other aspects of our government that are involved in cyber security, and from my vantage point I think we do it pretty well.

Not too long ago I had a meeting on cyber with Jim Comey, who I've known for 25 years, when we were assistant U.S. attorneys together, Mike Rogers, my former client, when he was the J2 at the Pentagon, and I was a

general counsel, and Jack Lew. Jack Lew told me, hey, you know, I have regulatory aspects over the financial services industry, we have relationships, and so we should be part of the cyber security conversation. And I said, "Great. Well, you should come to the next meeting we're having among the three of us." So at our level we've all agreed that it's most important that we cooperate and work together effectively.

Mike Rogers takes the view that, you know, I'm here to support the rest of you guys, but he's NSA, he can afford to be charitable, and the FBI and I, we've determined that we're going to make this work and make this work effectively. So we often share investigations. The target investigation, for example, the Secret Service is the lead law enforcement agency. Other places in which the FBI is the lead law enforcement agency, when it comes to a cyber attack or a threat of cyber attack, I've been very impressed with the way our NCIC -- don't ask me what that acronym stands for, it's the NCIC. It's our operational center for cyber security. Coordinates very quickly, very effectively with the other agencies of government. They talk to each other all the time. They talk to the private sector all the time. And it seems to be working pretty well.

Now are there turf wars, are there assertions of jurisdiction that go on someplace in the hierarchy of these organizations? Probably yes. It's bureaucracy, and bureaucracies tend to behave like that, but if they see the component heads determined to cooperate with each other, and I think we are, I think we all do a better job.

MS. TEMPLE-RASTON: You mentioned a little earlier a speech that you had done at Yale Law School in February 2012, where you were defending the targeted killings, but you said that those who govern today must ask how they'll be judged 10, 20, 30, 50 years from now. How do you think our National Security that we have today in 2014 will be judged in that time frame?

SEC. JOHNSON: What I said was that legal interpretations that we may find tolerable and acceptable today may be judged harshly on the pages of history

tomorrow, and we have to be mindful of how our actions will be seen 10, 20, 50 years from now, and I still believe that. As a student of history I still believe that. And so when we're asked to consider something I always try to take the long view in terms of how this Administration, this government will be assessed after we're gone. And it's particularly important in our legal judgments. I believe that.

And so when I was the lawyer for the Department of Defense I wanted to see us apply mainstream conventional legal applications and legal principles to an unconventional conflict against an unconventional enemy because in my view the best way to go about this is you stick to your mainstream traditional legal principles against an unconventional enemy, and in that manner things like targeted legal force make a tremendous amount of sense. It's the essential role of the military to capture or kill the enemy, and targeted lethal force against a known specific objective, where collateral damage is minimized has been around for decades, if not centuries.

MS. TEMPLE-RASTON: So you think decades from now it will be seen in a good light?

SEC. JOHNSON: Well, it's hard for me to predict how we'll be seen decades from now, but I think that it's important that we have that in mind, and we have in mind the long view.

MS. TEMPLE-RASTON: So let's go to questions. Okay? If you could please identify yourself, even if you're Jane Harmon. Jane Harmon.

(Laughter)

MS. TEMPLE-RASTON: And wait for the microphone.

MS. HARMON: I'm the recovering politician that Jeh was referring to, and I just want to point out that the authorization to use military force, the AUMF, when it passed Congress shortly after 9/11, passed with almost unanimous support. Only one person voted no, and we all thought it was limited in time and scope to Afghanistan, to those who would attack us. No one imagined, speaking

of history, that it would still be the basis for administrative action over a decade later.

But my question is about narrative. You said that you're traveling around the country talking to groups about combating violent extremists. Some of us in this room, certainly including this grandmother, thinks that you could also do more to sketch a narrative about what the threats are against our country, what our tools are, and the steps the Homeland Department and the Administration is taking to keep us safe. That narrative seems to be missing. And my question is: Does that idea appeal to you and are you going to be taking steps to implement it?

SEC. JOHNSON: Yes and yes. This is something that we talked about yesterday, and I believe that as public servants, particularly in national security, we owe a duty to the American public to explain our actions, to justify our actions, explain our actions, to explain what we're doing on behalf of the American people to keep them safe. And sometimes we all get very busy inside the Beltway. We get wrapped up in today's problem, in today's story on the front of the "New York Times," and we owe it to ourselves to make our jobs easier, and we owe it to the American people to get out there and explain and articulate what we're doing, to see the press reaction to the public speech we gave, to road test our efforts, and to let the American people know what we're doing.

And so I did that when I was a lawyer for the Department of Defense a couple of times, as you noted, and we need to do more of this. I gave a speech at the Wilson Center in February that was fairly comprehensive. A lot of this has been replaced by all the congressional testimony I have to give, but I do agree with what Jane says, and I'm thinking about -- I've got a particular venue in mind in a couple of weeks for this, and I think that she's absolutely right.

MS. TEMPLE-RASTON: Way there in the back. There you go.

MR. ZIMMER: Secretary Johnson, first of all, I

want to thank you --

MS. TEMPLE-RASTON: Could you identify yourself, please?

MR. ZIMMER: Brian Zimmer, Keeping Identity Safe. I want to thank you, Secretary, for reinvigorating the Department of Homeland Security with your appointment and activity since you started. So keep it up.

But the question is, next week, July 31st, begins the second level of enforcement of the Real ID Act, which involves all the states and all the drivers licenses in this country. And there's been almost nothing from you personally or from the Department to alert the American people that changes are beginning next week, which will affect a lot of people in about ten states, in particular, which haven't met the criteria the Department has established and followed-up with.

So, again, no criticism here, I think you're doing a great job, but I would think, along with Mrs. Harmon, that it's really time to tell people when something really large is going to happen from the top. Your response, please.

SEC. JOHNSON: Yes. Real ID. Real ID is a law passed by the lawmakers in their wisdom to basically standardize all drivers licenses in the country to require that they contain certain things, including the manner in which a drivers license is obtained. The good news is that -- I can't remember when this law was enacted. It was a couple of years ago. It was a very long implementation period. And the good news is that most states are in compliance, and if they're not in compliance there's a plan for them to be in compliance, and get an extension on compliance. There are very, very few states, the last time I looked at it, that are just out of compliance, and there's no plan to be in compliance. And they're kind of all over the map. They're not of any particular ideological bent, or anything like you might suspect. And there is a stage in this implementation that is coming due July 31st that will impact some people, but, again, for the most part I think most states are in

compliance at this point, but you're probably right that we need at one component level or another of the government to remind the public of this implementation, and to highlight it.

MS. TEMPLE-RASTON: Okay. Other questions? There's so many, and we don't have much time. I'm going to pull a David Sanger, and I'm going to have you actually ask your questions, and we'll give them to you in succession. So the gentleman way in the back there, please. Please identify yourself.

MR. BLACKMER: I'm Kent Blackmer. I represent the local public transit system, the Rolling Fork Transportation Authority. And when you were speaking about the young girl who lost her mother, I'm curious as to --

SEC. JOHNSON: I'm sorry. Speaking about the what, sir?

MS. TEMPLE-RASTON: The young girl who lost her --

MR. BLACKMER: The young girl who lost her mother.

SEC. JOHNSON: Yes. Yes.

MR. BLACKMER: What is the United States doing to support these countries where's there's such obvious lawlessness that these people are fleeing these countries? And do you see the deterioration of these countries as a threat to our national security?

MS. TEMPLE-RASTON: Let me get a couple more questions and we'll stack them up. This gentleman in the middle, please.

MR. BARRON: Tom Barron, Business Executives for National Security. You spoke quite clearly about evolving threats and the difference today. Does this imply that you need to relook Homeland Security's organization process and structures to be adaptive in the near term

since you had first taken over?

SEC. JOHNSON: Let me take that one and then this one, before I forget them.

MS. TEMPLE-RASTON: Perfect.

SEC. JOHNSON: I think that it's critical that the Department constantly evolve, be agile in responding to evolving threats, and that's not just, say, every 5 years or every 4 years with a QHSR, we reevaluate ourselves. I think we have to do this on a routine basis continually. And so one of the things that I'm doing, that we're doing in the Department is our unity of effort initiative to have a more strategic approach to our budget process, to our acquisition process, which has got a lot of attention, and I'm happy to say a fair amount of positive feedback on both sides of the aisle on the Hill. And this is part of what I think we need to do to focus on where we are, every budget cycle, from the headquarters' perspective, given the evolving threat. So that's not something that should wait every couple of years. You have to do it routinely, more often than annually.

What we can do, what we are doing for the three Central American countries, Guatemala, Honduras, El Salvador, will be a topic of discussion between President Obama and the presidents of these three countries tomorrow, when we meet with them. I had a discussion with the president of Guatemala when I was there a couple of weeks ago about what more we can do. We need to address root causes that are the push factors that are causing people in record numbers to leave these countries and come to South Texas. We need to help them with their border security. We need to help them with their law enforcement. And I think they want to work with us on this. They recognize that this is a problem. The presidents of each of these countries recognize this is a problem. The first ladies of each of these countries recognize it's a problem, and their cabinets recognize this is a problem. And we're not going to address migration, illegal migration from these three Central American countries into the United States until we can take appreciable steps to help them improve the conditions

in their countries.

We've begun that. Our supplemental request includes funding to accomplish that, but we need to do more. We need to continue on this path.

MS. TEMPLE-RASTON: Just to clarify. I think there's a lot of news out there that says that one of the reasons may be a misunderstanding of a law in this country --

SEC. JOHNSON: Oh, yeah.

MS. TEMPLE-RASTON: -- that was passed in 2012. Could you just really briefly say what the drivers are that are taking people here?

SEC. JOHNSON: I believe the drivers are essentially three things. One are the push factors in these countries, the conditions in these countries. We're not seeing this type of illegal migration of kids from other countries in these numbers. It's these countries that have the worst conditions. And additionally, illegal migration is a market-sensitive phenomenon. It's something that Mike Chertoff told me, when I first consulted him on this problem, and I think he's absolutely right, it's a market-sensitive environment. Those considering bringing their kids or sending their kids to this country, react to information in the market about what's going to happen if they get here.

There's a story in the *Wall Street Journal* today that suggests -- I'm not ready to embrace this myself -- but suggests that the reason for the decline in the numbers is because folks are seeing that we're turning people back. That's true. That's a good news story, because that suggests our efforts are working. But prior to this they clearly knew from family members, from talking to friends and family in the United States, if you send your kid here, under our laws, under the 2008 law that is the topic of all this conversation in Washington, if I identify a child as an unaccompanied child, our border patrol is required to give them to the Department of Health and Human Services within 72 hours.

HHS is then required under the law to place the child in a situation in the United States that is in the best interest of the child, which is most often, a parent, documented or undocumented. And so people in Central America clearly know this, because they see it happening. Additionally, the smuggling organizations are putting out a lot of misinformation to stoke this and encourage this further. So they're putting out, through word of mouth, through direct recruiting, that there are these permissoes, free passes, that your kid will get if he or she makes it into the United States, that are going to expire at the end of June or the end of July.

It's like the -- I won't use an example -- but you know, it's like a salesman who's trying to get you to write a check for \$5,000 of your hard-earned money, and you've got to do it now. You've got to do it by the end of the week. And so the criminal smuggling organizations are clearly stoking this, taking advantage of it, to get these poor families to pay -- I don't know how they afford this -- to pay as much as \$5,000, \$8,000, half now, half later, and really bad things we've seen will happen if you don't pay the second installment.

We did an arrest a couple of weeks ago where the smugglers threatened to decapitate the girl or sell her into a brothel unless her family paid the second installment before they would turn her over.

MS. TEMPLE-RASTON: And that's the second driver, or is that still the first driver?

SEC. JOHNSON: The misinformation being put out by these groups is definitely also a driver. And so the way we are combating this is to convey the message repeatedly our borders are not open to illegal immigration, and if you come here we will turn you back, and we're demonstrating that we're turning people back. We've dramatically reduced the turnaround time for the adults from something like 33 to 4 days. We're building detention space for the adults who bring their kids, and we're sending them back. That started last week. And we're addressing the kids. And so through action, we

will, and I believe we can turn this around.

MS. TEMPLE-RASTON: Okay. Excellent. Well, thank you so much for being with us, and please thank the Secretary.

(Applause)

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