



Memo to the Secretary-Designate

Aspen Homeland Security Group

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The Aspen Homeland Security Group is a bipartisan group of homeland security and counterterrorism experts who periodically convene in Washington, DC and at the Aspen Institute's Aspen Meadows campus to discuss issues in depth and make recommendations to policymakers, especially the Secretary of Homeland Security. The Aspen Homeland Security Group is co-chaired by former Secretary of Homeland Security Michael Chertoff and former Congresswoman Jane Harman, and directed by former Department of Homeland Security Inspector General Clark K. Ervin. Further information and a complete membership list can be found at <http://www.aspeninstitute.org/policy-work/homeland-security/ahsg>.



Introduction

We heartily congratulate you on your nomination by President Obama as our nation's next Secretary of Homeland Security, and we hope that, like Secretary Napolitano before you, you will look to us as a source of advice and support for you in this critical role. While incoming Secretaries of State and Defense, and the leaders of the various agencies within the intelligence community, can count on having the counsel of a wide range of former government officials from both parties serving on official and unofficial advisory boards, and a host of scholars at universities and think tanks who make a career of analyzing and opining on various "national security" issues, "homeland security" is still a new field without such an "ecosystem," for want of a better word. In the absence of such an ecosystem, it is our hope that you will find the Aspen Homeland Security Group to be a vitally important support network for you and your management team.

We can help you think through the tough issues at the top of your inbox; look ahead to issues before they land in your inbox while they are looming only distantly on the horizon; and maximize the impact of your public education and outreach efforts by seconding and amplifying your message in our own speeches, writings, congressional testimony, and media appearances. Given the breadth, complexity, and importance of the Department of Homeland Security's ("DHS" or "Department") missions; the limited time in your schedule; the limited time remaining in the Administration's term; the constrained budget environment; the hyper-partisanship in Washington these days; and the push and pull that you will get from the numerous congressional committees you must report to, you will need some outside help.

"Making the Case for DHS" and the Secretary of Homeland Security as the Nation's Principal Spokesman on Counterterrorism

In our view, your single most important task may well be "making the case," again, for a Department of Homeland Security. This is a burden that your predecessors did not have to carry.

Because he was the very first Secretary, and because 9/11 was still raw in the country's collective consciousness, Secretary Ridge could take for granted that the country understood and supported the Department's *raison d'être*. The terror attacks succeeded, at least in part, because responsibility for protecting the nation against a terror attack on our own soil was diffused among so many agencies, and the understanding was that a Department of *Homeland Security* would make countering terrorism here at home its top priority.

In the same way that a major terror attack on American soil was unthinkable in the years before 9/11, in the years immediately after 9/11 it was taken as a given that that attack was but the first of what would be a wave of attacks, including, possibly, one with a weapon of mass destruction. In 2003 when the Department was created, there was deep concern in the intelligence community that Al Qaeda had



established “sleeper cells” inside the United States that could stage attacks from within or facilitate major attacks from abroad.

As time has gone by without, thankfully, another catastrophic attack, and with the phenomenal success of our intelligence professionals and Special Operations forces in killing Bin Laden and killing or capturing nearly all of the other “core” Al Qaeda members, Americans are beginning to question whether terrorism remains the number one threat to our nation.

Adding to the mix are weariness over the wars in Iraq and Afghanistan and growing hostility to the perpetual war footing here at home manifested in the backlash against the breadth and depth of the National Security Agency’s (“NSA”) data collection in the U.S.; continued economic anxiety in general and the budget crisis in particular; and overall government dysfunction.

And, yet, while the nature of the threat is different from that pre-9/11, the fact is that terrorism remains among the top threats to national security. The terrorist threat today is not so much receding as it is transforming. It is now a fundamentally different and more complex threat than the one faced at the time of the 9/11 attack and in its immediate aftermath.

Back then, the extremist center of gravity was in the Afghanistan/Pakistan tribal areas. Today, there is no center of gravity—groups of varying strength and effectiveness are scattered across a region that stretches from Afghanistan/Pakistan down through the Levant, the Middle East, the Persian Gulf, and much of Africa.

Unlike the hierarchical structure and central direction that drove Al Qaeda then, the movement today is more of a loose network of networks, with some groups declaring fealty to and accepting guidance from Al Qaeda, others merely taking inspiration from it, and many arguing over tactics and targets. But, they all remain committed to an anti-Western narrative, violent means to achieve their objectives, and hitting both regional and U.S.-related targets.

A number of factors account for this evolution, ranging from the relentless pressure the United States has applied in the last dozen years, the receding U.S. presence in key battleground areas, and revolutionary changes in governance throughout the areas of concern.

Many factors are likely to continue changing the nature of the threat. For example, the ongoing drawdown of U.S. forces in Afghanistan and their withdrawal from Iraq is likely to open up new opportunities for extremists. Until recently, the widespread presence of U.S. forces has constricted terrorists’ freedom to maneuver and provided intelligence platforms for the collection of very granular data on terrorists operating there. Even if neither becomes a major terrorist safe haven, it seems reasonable to conclude that terrorists who choose to operate there will be able more easily to move, train, and communicate than when under constant pressure from numerous and highly maneuverable



U.S. and allied forces. Meanwhile, we and our counterterrorism partners will face the challenge of having to monitor, detect, and combat radical Islamists remotely or from a much smaller number of fixed platforms.

The backdrop against which this occurs is a revolution in governance throughout the area of concern. Starting with the advent of civilian rule in Pakistan in 2008 and continuing with the Arab Spring two years later, the South Asia/Middle East/North Africa region entered an era of transition that marked the end of predictability in estimating terrorist fortunes there.

Political leaders in this area still worry about terrorism, but it is no longer the driving concern it was when greater stability reigned in the region, mostly under authoritarian governments. Instead, regional regimes are now preoccupied with managing a coup's aftermath and creating a new constitutional order (Egypt); surviving sectarian strife (Syria, Iraq); managing protest in the midst of democratic transition (Tunisia); ensuring the durability and effectiveness of civilian rule (Pakistan); supplanting tribal differences with a semblance of central authority (Libya); finding a balance between secular and religious forces (Turkey); and riding out the political storm that hit the region two and a half years ago (Jordan, Morocco, Algeria, Saudi Arabia, and the smaller Gulf states).

Meanwhile, intelligence services there that once focused on a granular understanding of society in the service of authoritarian regimes either no longer exist or must focus on defending their status and defining their roles in transitioning societies. These preoccupations by both governments and intelligence services give terrorists more freedom from surveillance and pressure.

For the future of terrorism, no problem looms larger than Syria. It has become a magnet for Islamic extremist fighters from around the world. If and when the fighting ends, these extremists will carry their new skills back to their home societies, many of which are now in turmoil. The most extreme rebel group, the Al Qaeda-linked Jabhat al-Nusra, is rapidly consolidating territory in Syria's northeast—in all likelihood with a view to using it as a platform from which to conduct additional attacks in the region and beyond.

In North and East Africa, so much territory is now ungoverned that terrorist groups—Al Qaeda in the Islamic Maghreb, Ansar al-Sharia, Boko Haram, Al Shabaab—can find ample places to plot, train, and regroup with little interference from authorities. The attacks we have seen in Benghazi, Libya; in Almenas, Algeria; and Nairobi, Kenya are probably the “new normal” in these regions.

Taken together, all these trends mean that foreign terrorists now have a larger area for safe haven and operational bases than they have had in more than a decade, with obvious potential consequence for the DHS mission.



Added to this, there is evidence that Islamic extremists have finally begun to learn from the mistakes they made in Iraq, Afghanistan, and other places where their harsh treatment of populations temporarily under their sway drove people to oppose them. Where they now hold territory, such as in Syria, they are beginning to provide social services—ranging from food distribution to trash collection—and to treat people more humanely. This increases extremists’ political power and will make them harder to combat and root out.

So, while there is validity to the view that foreign-based terrorism aimed at the homeland has, at some level, been weakened by relentless U.S. action since 2001, it is also clear that changes are underway that are reinvigorating the phenomenon in ways that continue to pose dangers for the United States. Accordingly, it would not be prudent to reduce our vigilance or lower our guard.

Meanwhile, the threat from terrorists *inside* the United States has arguably intensified. While, thankfully, the sleeper cells predicted a decade ago have not materialized, there is a growing “homegrown” terrorist threat from a tiny minority of Muslims. Many of these extremists are young men from immigrant families who have arrived in the United States in the last fifteen to twenty years as refugees and asylum seekers from Muslim countries (Somalia and Yemen, for example) where extremist groups are flourishing, and anti-Western sentiment is high. Additionally, there are native-born American converts to Islam who do not fit the ethnic or gender stereotype (i.e., the Caucasian, blonde, female, “Jihad Jane,” or the Hispanic Jose Padilla). The Internet is the primary means by which Al Qaeda markets its anti-U.S. messages on dozens of websites exhorting American Muslims, both in small groups and as individual “lone wolves,” to avenge the perceived humiliation of Muslim populations abroad by killing their fellow Americans here at home.

The Boston Marathon attack is the latest example of the insider threat, and it is the most dramatic terror attack on the homeland since 9/11. If the good news now is that it is harder than ever for foreign-based terrorists to enter the United States to carry out terror attacks here at home, and harder than ever for *any* terrorist to carry out a 9/11-scale attack here at home against “hard” targets like our aviation system or iconic government buildings, the bad news is that insiders’ carrying out “one off” attacks on “soft targets” like sports venues, shopping malls, and entertainment centers remains impossible to prevent and, therefore, likely to recur. Indeed, in contrast to Bin Laden, Al Qaeda’s nominal leader now, Ayman al-Zawahiri, has exhorted his followers to carry out just such attacks.

Boston, then, may become the new normal in the U.S. In that case, your job will be even harder than that of your predecessors. Unlike the Israelis and the British, we Americans have never lived with the constant, pervasive threat of “low-grade” terrorism. Terrorism is, of course, only partly about body count; it is mostly about instilling fear and causing panic. Attacks here and there against soft targets in the nation’s heartland could be even more terrorizing psychologically than 9/11, even though the



number of those killed and injured might be relatively small, because we still tend to think that only Washington and New York are in terrorists' crosshairs.

This, then, the changing and potentially more menacing threat of terrorism ten years later, is "the case for DHS." If the first part of the question is whether there is still a case for terrorism's being at the forefront of the nation's threat matrix, the second part of the question is who in government should be the face and voice for making that case.

In the Ridge and Chertoff years, the Secretary of Homeland Security was the nation's principal counterterrorism spokesman, as it should be in our view. In the Napolitano years, largely because of John Brennan's significant counterterrorism experience from his many years at the Central Intelligence Agency, the White House Homeland Security and Counterterrorism Adviser was the spokesman.

Your background at the Defense Department as the Administration's key legal adviser on counterterrorism gives you the bona fides to reclaim the principal counterterrorism spokesman role the first two Secretaries of Homeland Security played, not only when there are attacks or plots to respond to, but, generally, in striking the delicate balance on a day-to-day basis between panic and complacency. Still reeling from and confused by the Snowden revelations, the nation will benefit from a reasoned, common sense defense of the lawful and proportionate use of our technological capabilities to defend ourselves against the terrorist threat. As your oft-noted remarks at Oxford underscore, you are well-suited to be *the* Administration official most focused on finding and articulating the balance that must be struck in a democratic society like ours between security and liberty.

As the political focus shifts from foreign battlefields to pressing domestic needs, it is imperative to sustain and strengthen the defensive pillar of our national security strategy and to protect the homeland security capabilities built up over the last dozen years. The Department's upcoming release of the second Quadrennial Homeland Security Review can provide a useful framework for this needed debate. We encourage you to take this discussion beyond the Beltway (to include discussions with DHS' state and local partners) on a regular basis and to become the leading national figure in helping the American people understand our continued need for vigilance.

Part of your challenge will be, as noted in passing above, the tendency of Americans to let events whipsaw us between panic and complacency. In the weeks following Boston, the question was why aren't we doing more to protect ourselves from the threat of terrorism. Just a few months later in the wake of the Snowden revelations, the question is why are we doing too much. Regrettably, those in Congress on both sides of the aisle who should be your partners in making the case for balance between these extremes all too often stoke the fires of public hysteria, reacting to public sentiment rather than shaping it.



And, absent another attack or serious plot, the Snowden revelations will make it immensely harder for you and your counterparts in government to get the political cover, additional legal authorities, and financial support you will need to protect the nation. While the disclosures have sparked a long overdue debate on the balance between security and privacy, they have done so under the least favorable circumstances possible for dispassionate debate. And, the disclosures come at a time when the evolving nature of the threat arguably calls for expanding the collection and sharing of information, not restricting it.

In short, then, we see a compelling need for renewed engagement with the American people on homeland security. We recommend developing a plan within DHS, backed by the White House, to increase the national profile of the Department, and that you lead this conversation about the changing nature of the threat and the need for continued vigilance here at home. Your assumption of the post of Secretary of Homeland Security provides an opportunity to demonstrate the continued relevance and growing maturity of DHS and to ensure that it is a central player in an evolving national security landscape.

DHS' Role in the Relatively New Field of Cyber-Security

Speaking, as we did at the beginning in passing, of threats looming today only distantly on the horizon, cyber-threats were hardly a concern for Secretary Ridge. In the decade since, it is an understatement to say that things have changed. FBI Director Jim Comey is but the latest national security official to argue publicly that cyber-threats now rival, if not exceed, the threat of physical terror attacks as the number one threat to national security.

Over the years DHS has struggled for a variety of reasons (the multiplicity of its missions; budget pressures; limited authorities; and, most importantly, its lack of expertise relative to the NSA and DOD writ large) to find its place in the government's cyber-security architecture. But, with adequate resources, White House support, and due focus on your part, the Department can play three critical roles, roles that no other agency can play, or can play as well.

First, there is the task of convincing the nation of the gravity of the cyber-threat and the imperative of addressing it. While the NSA certainly has access to more threat information, and more granular threat information, the message that cyber-threats must be taken seriously is likely to be better received from a civilian agency, especially at a time when there is a growing bipartisan consensus that the NSA has allowed its unrivalled technological capability to trump common sense and proportionality.

Second, DHS has a uniquely close relationship with the private sector, in whose hands eighty-five percent of critical infrastructure lies, and with state and local governments that, likewise, must be critical partners in any serious counter-cyber-threat strategy.



And, third, the .gov domain, the networks on which civilian federal agencies run, are far more vulnerable to attack than the .mil space, and, as the one department at the nexus of the military and civilian sectors, DHS is the logical protector and manager of these networks.

But, again, DHS cannot hope to play the vital role in cyber-security that it can and should play as a virtual “storefront” from which its government and private sector customers can obtain threat information and help to mitigate or defend against those threats without the requisite expertise. And, obtaining that expertise will require considerable resources at a time of unprecedented budget pressure. Obtaining those resources will be yet another leadership challenge for you.

A close working relationship with DOD in general, and the NSA in particular, will be critical in ensuring that DHS plays the vital role that it should play in cyber-security. Your pre-existing relationships and experience with both entities will no doubt serve you well as the Secretary of Homeland Security.

Seeing the Constrained Budget Environment as an Opportunity Rather than a Mere Obstacle

To some degree, the constrained budget environment can, ironically, be helpful to you in making the Department more effective, economical, and efficient.

For example, while a “belts and suspenders” approach to securing the homeland made sense in the immediate aftermath of 9/11 when policymakers feared a wave of terror attacks and when the government was running a surplus, such an approach is neither wise nor practical today. We have learned in the dozen years since that the possibility of terror attacks is a risk that must be managed, not a problem that can be “solved.” And, of course, policymakers must now approach budgeting with a private sector-like “return on investment” perspective.

This argues for concentrating DHS’ limited resources on those things that it can do uniquely or, at least, better than other agencies. The Department’s Intelligence and Analysis unit has, over time, evolved in this direction, concentrating less on duplicating the work of the CIA and the rest of the intelligence community in analyzing the intelligence those agencies collect and more on disseminating it to the private sector and state and local governments in a fashion that does not compromise sources and methods but yet is timely and granular enough to be actionable. The other piece of the equation—collecting, collating, and analyzing the intelligence the private sector and state and local governments collect and then disseminating that intelligence to its federal partners—is still largely missing. “Fusion centers” were supposed to be a key component of this kind of two-way street for intelligence sharing between the “national security” and “homeland security” communities, but suffice it to say that their quality is uneven.

Another area where DHS can both save money and add value is better leveraging other security agencies’ R&D investments. While it might have made sense in DHS’ early days for its Science and



Technology unit to be a mini-version of DARPA, this is certainly not the case today. Further efforts should be made to leverage DOD's R&D investments by working to adapt them to unique homeland security purposes rather than to reinvent the wheel. Likewise, the Department should explore a partnership with the highly successful In-Q-Tel, the CIA's venture capital arm, to ensure the funding and fielding of cutting-edge technologies that can give the nation a competitive advantage in the evolving fight against terrorists.

A third area in which budget constraints can be more helpful than harmful is in continuing and intensifying efforts to integrate DHS' disparate parts into a cohesive whole. Part of the problem is, of course, the fact that the Department contains legacy agencies with a long culture and storied tradition of their own. Another, and the one you can do something about, is the fact that a number of such components have their own separate administrative functions, like procurement and information technology divisions for example, that can lead to waste and inefficiency. Finding and eliminating these examples of duplication and fiefdoms should be at the top of your list of "back office" priorities. Finally, the budget situation can be an impetus for further integrating and leveraging the individual capabilities of the various additional governmental entities—federal, state, local, tribal, and international—that, with DHS, collectively make up the "homeland security enterprise."

Conclusion

Needless to say, the foregoing focus on terrorism, cyber-security, and the organizational opportunities presented by the budget situation is not intended to denigrate the importance of the Department's other key responsibilities, like, for example, immigration matters or preparing for and responding to natural disasters. Catastrophic natural disasters will, of course, continue to occur. If anything, given global climate change, they are likely to occur more frequently than ever. Like other legacy components, FEMA must be further integrated into DHS, and efforts must continue to help local communities prepare for and cope with catastrophic natural disasters and their consequences.

But, no one doubts that there will be natural disasters, and no one doubts that DHS/FEMA should play a front and center role in preparing for and responding to them. Similarly, if there is to be legislative action on immigration, no one questions which agency should be in the lead.

Our main message is that, by way of contrast and for a variety of reasons, the Department's counterterrorism *raison d'être* is being called into question at a time when the security landscape (to include cyber-terrorism and other cyber-threats) is more complex than ever. This, then, is a time of immense challenge for the Department of Homeland Security, and, for you as its soon-to-be leader. We look forward to trying to be of help to you in your new mission.