

3 Takeaways Podcast Transcript
Lynn Thoman
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Ep 6: Former Secretary of Homeland Security Michael Chertoff On National Security Issues Today

00:00 INTRO male voice: Welcome to the 3 Takeaways podcast, which features short, memorable conversations with the world's best thinkers, business leaders, writers, politicians, scientists, and other news-makers. Each episode ends with the three key takeaways that person has learned over their lives and in their careers. And now your host and board member of schools at Harvard, Princeton, and Columbia, Lynn Thoman.

00:24 Lynn Thoman: Hi everybody. It's Lynn Thoman, welcome to another episode. Today, I'm here with Michael Chertoff. He has a remarkably broad background, he's been Secretary of Homeland Security, a judge on the US Court of Appeals for the Third Circuit, a federal prosecutor for the famed Southern District of New York, and Assistant US Attorney General. As a former Secretary of Homeland Security, judge, federal prosecutor, and Assistant US Attorney General, he's going to provide us today with a unique perspective on some of the top issues we are facing, including: using federal troops, Homeland Security troops in cities; criminal justice and sentencing; police, law enforcement, and Black Lives Matter; immigration and border control, because, of course, as Secretary of Homeland Security, he was responsible for immigration and borders. And last, he's going to provide insights on cyber terrorism and health threats, including threats from both natural and man-made viruses. Secretary Chertoff, thank you so much for being here with us today.

01:28 Michael Chertoff: Good to be here.

01:30 LT: What does Homeland Security mean to you?

01:32 MC: Well, you know, the birth of the department goes back to September 11, there was a recognition that there were a series of emerging threats to security, that were not quite the level of a military threat that the Department of Defense would be involved in repelling, but more than just crime. Had to do with transnational terrorism, or perhaps subnational adversary groups that would threaten our security. And so the intent was to pull together border security, infrastructure protection, aviation security, the Coast Guard which protects us on the maritime side, and bring it together in a coordinated way that would allow a unity of effort, and also would allow coordination of all the different elements in the case of an emergency or a crisis. And when I was Secretary, basically I was designated as the principal federal official for coordinating across the federal government if there was any kind of very significant emergency.

02:39 LT: How do you see the use of federal troops, Homeland Security forces in US cities? Federal troops, of course, have been used before, but how is this time different?

02:51 MC: Well, there were a couple of things that happened this year that were unusual. First, in June, in Washington, DC, there was an effort to somehow get the military involved in helping to deal with demonstrations in Lafayette Park. And although we've had cases in the past where a governor or mayor asked for help from the National Guard, in this case there was no requirement, or a need, or request for any federal assistance, and Donald Trump went across the park, carrying in tow the Defense Secretary and the Chairman of the Joint Chiefs of Staff for a photo opportunity.

And then the next day, the Chairman of the Joint Chiefs and the Defence Secretary had regrets, and they apologized and said, "We're not doing this again."

03:40 MC: And what we saw in Portland more recently was the deployment of DHS (Department of Homeland Security) personnel, they're not troops, in a much broader way than we normally would see. It's fair to say that the Department has the responsibility to protect federal buildings, and so to the extent the courthouse was facing disruptive behavior, having the Federal Protective Service present was reasonable. What happened, however, is they went much further than that. And there was, I would say, an excessive use of force against peaceful demonstrators. The Department of Homeland Security personnel went far outside the immediate area of the federal perimeter, and were moving around the streets apprehending people, and they were dressed in the kind of uniforms that would be appropriate on the southern border, but are not what we would normally see in a city where you're supposed to have some form of identification so you can be held accountable.

04:45 MC: So all of these issues, to my mind, were errors in judgment. What made it worse was the President vocally endorsing this as a sign of how tough and aggressive he's going to be against what he described as liberal Democratic mayors. In other words, the President put a political gloss on who he was targeting and what was being done, and actually ran campaign commercials showing this. And what that does, is it creates the image that the Department is a political tool of the President's partisan agenda, which is very bad for public trust. Let me add, Lynn, we've seen more of this lately. Just in the last couple of days, there's been a very strong indication by the President that he views the Postal Service as a tool to suppress vote by mail, which he doesn't happen to agree with. Or that they're going to curtail the time the Census Bureau has to collect census information in order to have fewer undocumented aliens being counted. This really strikes at the confidence the public has in our government.

06:00 LT: What do you think about using US troops to bolster police departments in cities like Chicago and others where violent crime has seen huge increases?

06:13 MC: Well, I think what they're talking about doing in Chicago is not using troops, but sending investigators and prosecutors to target violent gangs, and that I have to say, Lynn, is appropriate, it's been done traditionally. When I was US Attorney in New Jersey, there was something called the Operation Trigger Lock, where we targeted arms traffickers. So to the extent, you're simply sending lawyers and FBI agents, that's perfectly fine. Of course, it ought to be done in cooperation with state and local authorities.

06:49 LT: As a former federal prosecutor, assistant US AG, judge and former Secretary of Homeland Security, you have a unique perspective, how do you see sentencing and criminal justice in the United States?

07:04 MC: Well, I've watched over the years the pendulum swing back and forth, sometimes it's been we don't want to have heavy sentencing, we wanted to focus on rehabilitation and root causes, and then at times, particularly when there's been a spike in violence, there's been a very strong emphasis on heavy sentencing, mandatory minimums, some of which can be quite harsh. I think the truth is you want to have balance, you do have to recognize there are some people who are committing violent crimes again and again, and they need to be incapacitated. If they're let out, they're going to commit more crimes. On the other hand, there are non-violent crimes which can probably be dealt with a less custodial response and also giving people the opportunity to redeem

themselves and enter back into normal life with a clean record or at least having a record closed behind them.

08:04 MC: One thing I will say is very important is equal justice. And when I was a prosecutor, we were very tough on white collar criminals, people committing bank fraud, securities fraud, political corruption. And sometimes I will hear people say, "Well, why do they have to go to jail, these are non-violent crimes?" And I'd say, "Well, if you're willing to send a young kid to jail for burglarizing a candy store and a guy who steals a million times as much money gets a slap on the wrist, then the message you're sending is unequal justice." And I will tell you after the sins of the loan crisis in the last century and after we had Enron and white-collar crimes, I thought it was very important if the people who committed these big crimes and hurt a lot of people be sent to jail in the same way we would send someone who robbed a bank.

09:05 LT: As someone who spends a lot of time in New York, what do you think of the recent actions by New York regarding sentencing and bail?

09:14 MC: Well, I think again, I suspect we're going to see a calibration. There's been an understanding that for quite some time bail has been essentially a way of incarcerating people before they get tried and that it's moved beyond simply making sure someone shows up to court into something that's a little bit more punitive. So that needed to be corrected. On the other hand, we can't be naive, there are people who are dangerous or people who are not going to show up for trial, and if they're released without any serious ability to detain them or to restrain where they go and what they do, you're going to see an uptick in crime. And part of the problem is there's no one size fits all. You need to have a tailored approach to each individual case. You don't want to use bails where you're just keeping people who are poor in jail, but if someone is a danger, then you need to put enough restrictions on him to make sure the next victim doesn't wind up feeling the brunt of it.

10:21 LT: Can you elaborate on racial profiling and police?

10:25 MC: Yeah, I will. So actually about 25 years ago I was a counsel to a senate committee in New Jersey that looked at state police profiling of drivers on New Jersey highways and the fact that there was a disproportionate number of African-Americans who've been pulled over and stopped. That's very serious. I go back to the point I made earlier, equal justice is a very, very important part of public trust in government. And whether it's a question of making sure the white-collar rich offenders get punished or making sure that poor minorities don't get disproportionately targeted, we've got to constantly bear in mind that the paramount guide of a justice system is equal justice for everybody. So I think it's important that we listen carefully the message of the demonstrators, that we tell the police simply hassling people with a lot of stop and frisk is a very bad idea and counterproductive. And, at the same time, we need to work with the community to identify people who might be at danger and see whether we can divert them before they engage with the criminal justice system.

11:43 LT: How do you think about terrorism, where are we on the war on terror?

11:49 MC: Well, since 9/11, we've not had a major terrorists attack from global terrorists in the US. We've had a couple of small attacks, but nothing on the scale of a 9/11. So I think we've been quite successful in pushing back on the kind of global Jihadi terrorism we dealt with in 2001, although it

remains a threat and we cannot be complacent. What we have seen, however, is a rise in domestic terrorism, and that's been particularly from ideological extremists on the right, white supremacists. And, actually statistics show in the last three years more Americans have been killed because of domestic extremists than because of global terrorists. We've seen shootings in synagogues, mosques, schools, and a lot of this, to be honest, is revved up over the internet with various kinds of platforms that encourage people to become violent.

12:50 MC: We saw in Charlottesville, where we had somebody killing somebody with an automobile, and unfortunately, there are some political figures who seem to think it's advantageous to tacitly or even explicitly encourage these kinds of acts of violence. So, I think we are going to be dealing with terrorism of the domestic variety as well as the global variety for quite a while.

13:18 LT: How do we stop this domestic terrorism?

13:21 MC: Well, there is a lot of work being done on what makes people veer into becoming extreme, how do you divert them, how do you intervene before they actually start to commit an act of violence. And I think there are really two strategies that are complementary. One is, the social media platforms have to do a better job of tamping down on their use as a recruiting tool for extremism. And it's not a question of just shutting down free speech. It's a question of recognizing some of the algorithms that are being used for commercial purposes to encourage people when they express an interest in the topic, to get more and more engaged and engrossed in it. Some of those algorithms wind up being very pernicious when they're used to recruit people to commit acts of violence.

14:19 MC: To someone who might have a little curiosity about something, winds up getting sucked into a rabbit hole, where they're ultimately being encouraged to connect up with terrorists and do something violent. The second piece is, I think we just need to understand from a community standpoint, how do we see people who are beginning to get into a dangerous place in their own heads. And before we have to get people arrested or use the criminal justice system, how do we get community groups, whether they're government social workers or whether they are religious leaders, how do we get them to intervene and essentially coach these individuals away from violence. And there are people active, who were particularly formerly members of some of these groups, who have now gone out and started programs to kind of de-radicalize, which we ought to be encouraging.

15:18 LT: Cyber has been an area of particular interest for you, and you've written a book on cyber. It seems like there have been endless breaches, both government and businesses. What should we do about it?

15:31 MC: Well, I have to say, Lynn, first of all, we are in a time now when more and more work and socializing is being done online as we witness what we're doing right here. And what that means in part is, the surface area for cyber attacks has increased, because more and more people are connecting their devices to the network, and many of these devices are very poorly secured. At the same time, we're beginning to see a steady increase, not only in the number, but in the seriousness of these attacks. It's not just about stealing money, although that continues. It's not just about stealing sensitive trade secrets, but it's actually attacks that corrupt or destroy networks and databases. So, we've seen ransomware attacks overseas but also here in the US in many cities, that have basically locked down and encrypted data that is critical for running systems like hospitals or

businesses. We've seen some efforts on the part of foreign adversaries in particular, to manipulate and attack our electoral system and our voting registration systems. And we've even seen efforts to reconnaissance against industrial control systems which run the lights, run the trains, run the water.

16:56 MC: So even as the stakes have risen, the surface area for attacks has also expanded. And we've got to train people how to protect themselves. We've also got to invest more in securing our infrastructure.

17:12 LT: Can we protect our infrastructure, our electric grids, the power system, financial system, the traffic lights you mentioned, self-driving cars?

17:23 MC: A couple of things. One is, we need to build security by design. When you design a device, and this has not been done in the past, security has to be one of the main design features you think about, not after the fact, but before you actually put it out in the market place. We've also got to train people to avoid some of the most obvious mistakes that allow hacking. If someone is a sophisticated hacker, they may be able to bypass almost all defenses that a normal person would have. But they're going to have to use some pretty sophisticated tools. Let's at least make it hard for them by avoiding things like clicking on efforts to get us to invite malware into the system or going into websites that are not secure so we reduce the opportunity that bad guys have to attack us.

18:19 MC: And the final thing I would say is this, we cannot eliminate the risk, but we can manage it and reduce it. So, we have to have reasonable expectations. You're not going to avoid hacking or problems online, but if you can figure out the most significant things you need to protect and the most efficient ways to raise the bar for someone who wants to attack, you reduce the risk. And I think that's all really you can expect in life.

18:51 LT: A big upcoming risk, a foundation for our democracy is voting. Can we keep our voting secure?

19:01 MC: Yes. But I think this is really important because we're coming up to one of the most significant elections we've ever had in American history in terms of protecting our values and our democracy. So, I do think in terms of the voting machines, they are generally not connected to the internet, except very briefly, and they're probably reasonably secure. We're more worried about voting databases and tabulation computers. And there, I know that Homeland Security is working with state and local governments to help them raise their ability to secure these kinds of devices. And, of course, good old-fashioned things like mail-in ballots and paper ballots can't be hacked. It may take a little longer to count the vote, but it's going to be secure. And here let me say something very important, there is zero evidence that mail-in voting causes a lot of fraud. That is completely bogus. Mail-in balloting is as secure any other kind of balloting.

20:08 MC: And particularly at a time that you have a pandemic and some people who may be reluctant to stand on line, we should encourage mail-in balloting, we should encourage people to do drop box ballots where you go to a school or whatever and there's people there who can receive your ballot right there on the spot. We should maximize the ability of people who have to vote because that's the foundation of our democracy.

20:34 LT: Another threat to democracy is hacked and fake news, which sows partisanship, exacerbates divisions, and generally undermines people's faith in our government. How do you

think about hacked and fake news and what can we do about it?

20:51 MC: So again, I would take a deep breath on this issue. We've seen obviously foreign adversaries use this information to promote disorder, distrust, and try to affect particularly turnouts at elections, and one of the things we need to do is use our laws, and also have our social media platforms use their analytic capabilities to identify when you have a foreign actor masquerading as an American and shut that down. Likewise, as I said earlier, some of the algorithms that encourage doubling down on extreme forms of communication probably need to be modified or shut down as it relates to politics. But I also have to say that a lot of the disinformation is increasingly domestic.

21:39 MC: The Russians don't even have to generate it; they just have to repeat it because we're doing it ourselves. There are all these weird theories that get currency on the internet, and the cure for this, in the end, is education and critical thinking on the part of consumers of news. People, just as they do with any other medium, have to ask themselves, "Do I know the source? Does this make sense? Do I have a reason to trust this source?" And that's how you counteract some of these issues. Now, the one thing I would point out is this: Fake news is not a new phenomenon. If you go back to the founding of this country, you didn't have professional journalists, you had these kind of scandal sheets. And if I recall correctly, the Hamilton-Burr duel actually occurred because there was a false news story that one of the candidates said about the other that led to the duel in Weehawken. So, we've lived with this before and we've survived it, but again, people have to take seriously their obligations as citizens.

22:49 LT: You talked about algorithms. Artificial intelligence gives machines the ability to make millions of decisions in the fraction of a second. Systems can get hacked. How do you think about artificial intelligence and protecting against artificial intelligence attacks or even errors?

23:08 MC: Well, I'm very careful about artificial intelligence, and in fact, I don't even like to call it intelligence, because to me, intelligence is more than just analytics, it's judgement, it's the ability to be critical about your own thought process, it's skepticism, all those are part of intelligence. I think what we think of as artificial intelligence is often nothing more than sorting through large masses of data to identify patterns or certain particular issues that can be highlighted. And I think that can be very useful when you're looking at masses of data. But I believe before a decision is made, a human being has to be involved. I don't think you can have a loop from artificial intelligence directly to action, because only a human being can sometimes kick the tires and say, "Does this make sense?" Plus, we've seen in the past that sometimes the inferences drawn by machine learning are skewed by biases. I'll give you an example, I think sometime back, Amazon was using machine learning to identify people who would be candidates for jobs that would be the most likely to be good to hire, and all of a sudden they noticed they're all white men. And what they realized was, in going back over the historical data, the machine was assuming that the consequences of past discrimination were somehow a valid issue on which to base a judgement. And a human being looked at that and said, "That's not right."

24:48 LT: As Secretary of Homeland Security, you were responsible for immigration and our borders. What is your perspective on immigration? How should we manage it?

25:00 MC: Well, we need to manage our immigration, but I don't believe in open borders. Although I do think that immigrants have been a strength of our country, and there are many areas in which, frankly, we need immigrants to come in and do work in order to be productive. So, I think you want

to have a balance. I believed, and I tried to get this passed when I was Secretary, in a comprehensive approach to immigration that would have legal immigration, would have people be able to come temporarily to work with work visas, but then also would not allow people to just sneak in and would have strong border enforcement including border patrol and technology. And the idea is, for people who want to work, you give them a realistic, legitimate path to come in with identification and legal supervision. They would prefer to do that than to try to sneak across the border. And at the same time, for those people who are coming to do something not favorable, having border security is important to protect the country.

26:07 LT: Global health clearly falls under Homeland Security. What can we do to be better prepared for the next pandemic or global health issue?

26:18 MC: Well, we put together a plan, and the Obama administration continued with this, to have basically stand-by material for testing and for protection, to have a plan in place for what we would do in order to secure the country, if there was a beginning of an epidemic, dealing with the issue of contact tracing. Some of that appear to have fallen by the wayside in the current pandemic. We need to revive that plan, and I do think there's some technological advances that might help with contact tracing, if we deploy them in a way that's sensitive and protective of privacy. I also think this is an area where we do have to work cooperatively with other countries. Even countries that we normally are adverse to and have strong disagreements with, we need to recognize that all of us have a common interest in identifying pathogens early and suppressing them. In the past we've done it, we did it with SARS, we did it with Ebola. We need to revive that spirit of what I call, common sense cooperation at a global level.

27:32 LT: You've seen so much from all of your service in government, what lessons have you learned over your career?

27:41 MC: Well, I think that one thing I've learned is, you have to be prepared for the unexpected. You should plan, and you should prepare, and you should build the capability but you need to recognize, as they say in the military, "No battle plan survives first contact with the enemy," but effective planning is in fact important. I think we need to recognize that what binds us together is more important than what separates us, and that we as Americans need to deal with challenges as a team effort because all of us have something to contribute, and we all have something very much at stake.

28:23 LT: What do you worry about?

28:26 MC: I worry about, frankly, the loss of trust in our institutions, I worry about the fact that it's harder and harder to convince some people that there are things called facts, I think it was Patrick Moynihan who once said that, "You're entitled to your own opinion, but you're not entitled to your own facts." And nowadays many people think they're entitled to their own facts. To me, if you think about everything that we do on a personal level, on a national level, on an international level, it's about trust, and trust is about honesty, character, and truth. And without these values, you can't have a functioning society.

29:06 MC: Let's talk about the issue of trust. If we didn't fundamentally trust our Food and Drug Administration, you wouldn't go to the grocery store, because every time you went, you'd be afraid you're going to get poisoned. So, it is important to maintain the trust and the solidity of what

agencies like that do, and one of the reasons I worry about some of the political activity we see, is that it threatens to undermine our confidence in these things which make it possible to live decent lives.

29:41 LT: Before I ask you for your three key takeaways, is there anything else you'd like to discuss that you haven't already touched upon?

29:51 MC: I'd like to encourage everybody to vote, I'd like to encourage people to have a critical view of the news, not to disbelieve it, but to always check the source, look for validation. And I'd like to encourage people to realize that there still is a tremendous impulse for freedom in the world. I know right now we're seeing a rise of authoritarianism in every region of the globe, but on the other hand, get inspired by what you see in Hong Kong and Belarus and other places where people are standing up for what they believe in, and as we've seen in our own cities. Not in a violent way, but in an energetic way.

30:36 LT: What are the 3 key takeaways or insights you'd like to leave our audience with today?

30:43 MC: First of all, I think security is something everybody has to play a role in, particularly when you're dealing with cyber, or you're dealing with personal health. The government can't do the job for you, you've got to understand how you can increase your security, and you've got to take the steps to do that.

31:02 MC: I think the second takeaway I would say is, we need to be more engaged with communities. It's easy to feel alienated, particularly when you're dealing with everything over social media, but in the end, the strength we all have is through being rooted in communities, whether it's religious community, local community, much of the energy and the power we have comes from community activity and community engagement.

31:29 MC: And my final takeaway is there's always more to learn. Sometimes the lessons we get are not welcome. No one wishes they had to learn a great deal about the transmissibility of COVID-19, but it is teaching us some things that are useful to know, including, for example, wearing masks, social distancing, washing hands, things like basic hygiene, which you learn in school, but sometimes it needs to be updated. So, to me, this is about individual responsibility, openness, and fostering a sense of communal activity and communal trust.

32:15 LT: Thank you so much for your comments here today, this has been terrific.

32:20 MC: Great, my pleasure. Stay safe.

32:23 OUTRO male voice: If you enjoyed today's episode, you can listen or subscribe for free on Apple Podcasts or wherever you listen. If you would like to receive information on upcoming episodes, be sure to sign up for our newsletter at 3takeaways.com, (<https://www.3takeaways.com/>) or follow us on Twitter, Instagram, Facebook, and LinkedIn. Note that 3takeaways.com is with a number 3, three is not spelled out. For all social media and podcast links go to 3takeaways.com (<https://www.3takeaways.com/>)