

NATIONAL PRESS CLUB LUNCHEON WITH SECRETARY MICHAEL CHERTOFF

SUBJECT:

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MS. SYLVIA SMITH: (Sounds gavel.) Good afternoon. My name is Sylvia Smith. I'm the Washington editor of the Ft. Wayne *Journal Gazette* and president of the National Press Club.

We're the world's leading professional organization for journalists. And on behalf of our 3,500 members worldwide, I'd like to welcome our guests in the audience today and our speaker. I'd also like to welcome those of you who are watching on C-Span or listening on XM Satellite Radio.

We're celebrating our 100th anniversary this year, and have rededicated ourselves to a commitment to the future of journalism through informative programming, journalism education, and fostering a free press worldwide.

For more information about the National Press Club, or to blog about today's event, please visit our website at www.press.org. We're looking forward to today's speech. And afterward, I'll ask as many questions from the audience as time permits. Please hold your applause during the speech so we have as much time for questions as possible.

I'd also like to explain that if you do hear applause, it may be from guests and members of the general public who attend our events, not necessarily from the working press.

I'd now like to introduce our head table guests and ask them to stand briefly when their names are called. From your right, we have Jeff Bliss of Bloomberg, Homeland Security reporter; Dan Fowler of *Congressional Quarterly*; Marsha Apperson, senior associate at PBS; Brendan McKenna, Washington correspondent of RTTNews; Marc Raimondi of Harris Corporation; and Mrs. Meryl Chertoff, wife of the Secretary.

Skipping over the podium, Angela Greiling-Keane of Bloomberg and the chairwoman of our speakers committee. And we'll skip over our speaker for a minute. Donna Leinwand, who's the vice-president of the Press Club and a member of the speakers committee who organized today's event. Thank you, Donna.

Ed Fox, assistant secretary for public affairs at DHS and guest of our speaker; Chris Battle, partner and director of Homeland Security for Adfero Group; Robert Schmidt of Bloomberg; and Randall Mikkelsen, the security and justice correspondent for Reuters. Thank you all for coming. (Applause.)

The terrorists who attacked New York and Washington seven years ago altered American life in ways both sweeping and small, from Federal standards for drivers licenses to shedding our shoes at airports. Our speaker today, Homeland Secretary Michael Chertoff has been at the center of many of those changes and their ensuing controversies.

The Department of Homeland Security was created as part of the Bush Administration's and Congress's response to the 9/11 attacks. It controls a wide domain that includes immigration, transportation security and disaster management.

Chertoff, the second person to lead the agency, has weathered criticism from, well, pretty much everyone. Civil liberties groups say the Patriot Act which Chertoff helped write erodes Americans' freedom in a misguided attempt to protect them. Congress lambasted Chertoff and the Department after hurricane Katrina, complaining that the Department's Federal Emergency Management Agency was ill prepared to help flooded New Orleans. Immigrant groups have derided him for supporting a border fence and conducting massive immigration raids on factories.

And this week, even Scotland Yard got into the act. British investigators complained that U.S. concerns in 2006 about a plot to blow up overseas flights

with explosive liquids forced premature arrests of a suspected terrorist cell. Chertoff told The Associated Press that British and American officials were in agreement at the time.

But Chertoff, who was nominated to the Homeland Security post in January of 2005 and confirmed unanimously by the Senate has a long history of tough cases. This Harvard educated lawyer and former Supreme Court clerk took the leaders of La Cosa Nostra in the mafia commission case when he was a prosecutor. As head of the Justice Department's criminal division, he led the criminal investigations into the 9/11 attacks and prosecuted suspected terrorist, Zacarias Moussaoui.

He has now been tasked with keeping the country safe and implementing the recommendations of the 9/11 Commission. In a fact sheet prepared this week, DHS listed its accomplishments since September 11th, 2001, including: security improvements for air travel, background screening for commercial truckers, more secure power grids, ports, bridges, dams, and chemical plants, the use of biometrics to bolster authenticity of identification documents, more screening of foreign tourists and students, and improving its hurricane response. In fact, FEMA recently got high marks from southern Louisiana for its response to hurricane Gustav.

But other assessments have not been so positive. A status report issued today by the chairman and vice chairman of the 9/11 Commission gives the Administration a lackluster grade of C for progress toward preventing a cataclysmic attack. And Chertoff is usually the first to say there's more to be done. Today on the eve of 9/11, he will present his Department's ongoing strategy to protect the nation against terrorist attacks. I hope you will join me in welcoming Secretary Michael Chertoff to our podium. (Applause.)

SECRETARY MICHAEL CHERTOFF: Well, thank you very much for that kind introduction. I also being reminded of all the relentless criticism I'm subjected to. I appreciate your all coming here today.

It is obviously the eve of a very important date in our history, not only our national history, but I suspect the personal history of just about everybody in the room. And of course I'm referring to September 11th. If I can be permitted a personal note, I was, seven years ago today, the head of the criminal division at the Department of Justice. And on September 11th, I was one of the first people in the FBI's Operation Center after the airplanes had hit the World Trade Center and we became aware that we were dealing with an attack rather than an accident.

So I have a very keen personal memory of the spirit of the country at that time as we suffered the worst single episode of death and destruction wreaked

by-- on purpose against the American civilians in the history of this country. And it was an opportunity, both to reflect on what we've lost in terms of the people that were sacrificed, and of course the huge impact it had on the family members of those who perished, but also to look back with some satisfaction that we've averted a successful attack over the last seven years, and at the same time, with a rededication of effort to make sure that that record continues into the future, so far as it's humanly possible for us to assure that.

Before I get into the issue of September 11th, however, I'd like to make mention of other threats that we face, specifically threats leveled by Mother Nature. As you know, we've just come off hurricane Gustav, which did impact Louisiana. And I'm pleased to say we were able to remove the vast majority of the population to safety. So there was a comparatively small loss of life. As we speak, hurricane Ike is on its way into the Gulf, and presumably headed toward the coast of Texas, although as we know, it's always possible for these storms to fool us at the last minute.

Therefore, it's a good opportunity for me to say to everybody who is in the vicinity of the Gulf and in the potential target zone to remember that there are three things that are going to be very important in minimizing loss of life and injury when the hurricane hits: first, our overall preparedness prior to the hurricane, second, the actual course and severity of the storm, and third, how well people respond when it makes landfall.

And that means it's got to be an effort that's undertaken at all levels – Federal government, state government, local government, but also at the level of the individual who has a responsibility to be prepared to respond to instructions from emergency managers, to make sure that when you do evacuate, if you're asked to do so, you have gasoline in the car, you have money, you have a little bit of food and water, you have your necessary medicines, you have a plan for how to communicate with your loved ones.

And if people live up to that responsibility to be prepared, then I think all of us can be as optimistic as is humanly possible facing, what under any standard, is a very, very serious threat posed by Mother Nature to the people of the Gulf Coast.

As we however await the landfall of hurricane Ike, I do want to turn to the main topic for today, which is, are we safer now than we were seven years ago on September 11th? And I want to address the question squarely, but then talk about it in terms of its implications for our long-term strategy against terrorism. And in doing so, I'll probably wind up touching upon some of the arguments that are raised by critics on both the right and the left, those who think we're too tough and those who think we're not tough enough about our strategy in dealing with

the threat of extremist ideologues who carried out one very, very tragic attack against America, and who continue to work very hard to succeed in carrying out another one.

Now, when confronting the question, “Are we safe?” there are really, in my view, two opposite extremes that we have to avoid – on the one hand, hysteria, hysterical fear, and on the other hand, complacency and almost blithe disregard for what the threat really is.

So what do I mean by hysteria? Well what I mean is the kind of rhetoric-- I’m slightly exaggerating here-- but the kind of rhetoric that sounds like this: “Here we are seven years after 9/11. Al Qaeda still exists. Bin Laden remains at large. Terrorists continue to plot and commit atrocities. Nothing we’ve been doing has worked. Everything is a failure. We’re no safer now than we were then.”

Now in my view, that argument is clearly incorrect. It is a false argument. I don’t think there’s any doubt that we are safer today than we were seven years ago. I think the proof is, of course, what’s happened over the last seven years. And the reason for this I believe is obvious. Since 9/11, we and our friends and allies overseas, around the globe, have taken decisive steps to enhance our security and that of the people, the free people, and the freedom and peace-loving people around the world.

We’ve destroyed Al Qaeda’s original headquarters and platform in Afghanistan. We’ve dramatically enhanced our intelligence capabilities around the globe. We’ve captured and killed terrorists, both leaders and foot soldiers on nearly every continent. We’ve developed very strong partnerships with our allies in sharing information and bringing combined efforts together in dealing with terrorism. And we built a brand-new Department of Homeland Security which is specifically focused, among other things, on how to make sure dangerous people and dangerous things do not come into The United States in order to create attacks and to cause enormous amounts of damage and loss of life.

Today, Al Qaeda no longer has a state sponsor like it had when Afghanistan was ruled by the Taliban. And although it still has some spaces in Pakistan and in other parts of the world (which I’ll talk about in a moment) it doesn’t own an entire country or have free reign over an entire country as was the case prior to 9/11.

Much of the original leadership of Al Qaeda has, in fact, been brought to justice one way or another. Al Qaeda is losing in Iraq, what General Petraeus I think said the other day is one of the central fronts in the fight against terrorism. Al Qaeda is losing in Iraq and they’re losing in part because the Sunni tribes themselves have rejected the ideology of extremism, rejected the foreign

interference of the Al Qaeda fighters, and have risen up to partner up with The United States in striking against this terrorist group.

Al Qaeda has also suffered a loss of its reputation, even in the community which it seeks to influence because the repeated attacks on innocent Muslims have begun to have an impact on the public image of Al Qaeda in the Muslim world. When a couple of years ago, Al Qaeda blew up a wedding party in Amman, it cost them dearly in terms of their reputation in Jordan. And more recent attacks on school children in Algeria resulted in Ayman al-Zawahiri actually being challenged in an Internet chat session by Muslims who attacked him and said, "How can you justify killing innocent Muslim school children in the name of your ideology?"

So these are all positive developments that suggest that we are, for all of these reasons and more, safer than we were prior to 9/11. You might ask, what specifically have we done at the Department of Homeland Security to make us safer and more secure? And I could give you a long list, but let me just give you some of the accomplishments I think we can point to.

We've dramatically increased our ability to block dangerous people from coming into this country. Seven years ago, we didn't have the biometrics. We didn't have the analytic capabilities. We didn't have the secure documentation. And we didn't have the manpower that we now have at our ports of entry. We're on our way to doubling the border patrol by the end of this year and building technology and infrastructure that will again make it much harder for people to sneak in between our ports of entry.

We've pushed our security perimeter outside the border, working with foreign countries so that we can do a lot of our analysis and a lot of our screening overseas. We've developed comprehensive infrastructure security plans and procedures, nearly two dozen layers of security into our aviation system. We now fuse and share intelligence in a way that was never possible prior to September 11th. And, after some tough challenges after Katrina, we have dramatically overhauled FEMA and increased our capability to deal with a disaster, whether it be manmade or caused by Mother Nature.

All of these actions have helped make America a tougher target for terrorists and for other dangerous people. And when you look at what we've done at home, when you look at what we've done overseas, when you look at what our allies have done, I think this goes a good way to explaining why it is that the enemy has not succeeded in carrying out an attack in the U.S.

But one thing I will say is it's not for lack of trying. And a dramatic example of that, of course, is the August, 2006 airline plot which was directed at

flights coming from The United Kingdom into North America, including The United States, a plot, which as I've said previously, would have had an impact in scale and in loss of life comparable to September 11th.

But now let me turn to the other side – complacency. I don't think we should be hysterical, but I don't think we should be complacent either. Because just the fact that we are safer does not mean we are completely safe and the job is done. In fact, if we believe we're safe and the job is done, then we're ignoring the dynamic nature of the threat, the adaptive capability of the enemy, and we are falling prey to what is the opposite peril of hysteria, namely the peril of complacency.

So what do I mean by complacency? Well I'm going to give you, again, a slightly exaggerated view of what complacency is with respect to Al Qaeda. It goes something like this. Here we are, seven years after 9/11, no attacks on our soil. 9/11 must have been some kind of freakish aberration that is unlikely to repeat itself. Al Qaeda's strength is overrated, probably hyped up by the government and the government is exaggerating what we need to do to deal with the threat. We've got other things to worry about. This problem has gotten boring and we should move on to something else, and now focus on other elements of the public agenda.

Now, this is what you could call a September 10th mindset. That's a mindset that tells you that it really isn't possible to imagine a very serious successful attack on American soil. September 10th, you might have justified that mindset on the ground that it hadn't happened yet. It's, in my view, awfully tough to justify that mindset *after* it's happened.

But we are beginning to see discussion, both at an academic level and at a popular level, where people who say that this is really a much exaggerated fear, and that we really have to put it in a box and now focus on other things-- When we took that attitude, that, "Let's not pay attention" approach prior to September 11th, of course we found ourselves in a tragic circumstance. A recent book, *America Between the Wars*, chronicles what was going on with policy between the Cold War and September 11th. And I have to say, the book is not-- It's not critical of the Clinton Administration. It's critical, if anything, of the public mindset which actually made it hard for the Clinton Administration to do things that they wanted to do in order to address an emerging threat that they saw, but that the public just didn't have the impetus and the commitment to actually see carried through.

Charles Krauthammer I think described this period as a holiday from history. I would argue it was a false holiday from history. I'm sure he would agree.

So instead of complacency, I think we need to put ourselves right in the middle of hysteria and complacency. And to use the words of the recent National Intelligence Estimate issued last summer, we face, “A persistent and evolving terrorist threat over the next three years.” I would add it’s a threat we have successfully dealt with in the past seven years, but because it is changing, we are doomed to fail if we do not ourselves adapt to meet that change.

So let me stand back and try to describe the threat. And I’ll describe it, not only in terms of what we’ve experienced in the seven, maybe 15 years, but to even look more broadly and look ahead five or ten years. Because I think while Al Qaeda is the most salient terrorist threat to this country, it’s by no means the only threat to the security of our people here in The United States, in the homeland.

If we look at Al Qaeda, there’s no doubt it has suffered setbacks. But it has also developed some breathing space in Pakistan and in certain parts of East Africa and North Africa. Doesn’t put it in the same position it was in, in Afghanistan, but it means that they now have, as previous intelligence publicly disclosed has made clear, the opportunity to recruit, including recruiting Westerners, to plan, to train, and potentially to launch those recruits against either people in Europe or people in The United States.

Nor is Al Qaeda the only long-term possible terrorism threat we have to be concerned about. Hezbollah has been described, I think it was by Richard Armitage, as the A-Team of terrorism. Long before Al Qaeda was formed, Hezbollah pioneered suicide bombing, including the bombing of our Marine peacekeepers in Lebanon a quarter century ago, and the 1996 bombing of the Khobar Towers in Saudi Arabia.

Hezbollah’s a well-armed, well-disciplined paramilitary force which was capable of taking on Israel and presenting quite a serious challenge to that set of armed forces. Hezbollah’s a major presence in Lebanon’s government, the integrity of which it threatens. It also has a presence elsewhere in the world, including in South America, our own Western hemisphere, where, you’ll remember sometime back, they actually carried out an operation against a Jewish facility in South America.

Moreover, besides Hezbollah, we have to look at other possible emerging terrorism organizations as well as venerable organizations. If we look, for example, at Colombia, the FARC, which has admittedly now taken some very serious blows due to outstanding work by the Colombian government, but the FARC has existed for a long time as a terrorist group that combines the unholy duo of narcotics traffickers and terrorist-- people who want to commit acts of violence. They use narcotics proceeds to fund the purchase of weapons and the

execution of terrorist operations. And again, while we have seen positive developments with respect to the FARC, they have enablers among some of the countries in the region, and we cannot afford to simply assume that problem will go away.

We even have to consider from the standpoint of Homeland Security the threats posed by transnational groups that operate as criminal enterprises like MS-13 or some of the organized drug cartels that operate in Northern Mexico which are currently challenging actually the authority of the Mexican government and causing enormous amount of violence, not just against law enforcement, but against civilians in Northern Mexico. These enterprises may currently be criminal enterprises, but we cannot rule out the possibility in the future that they may take on a more political coloration.

When you look at all these threats, this is not designed to tell you that, again, we have to lurch to hysteria. It is designed to say that we must be prepared to deal with and address each of these challenges, recognizing they will morph, recognizing they will adapt, and recognizing that the only way we can succeed in continuing to deal with them is if we are willing to change ourselves and to operate in the same evolving fashion.

So having laid out what the challenge is, let me talk briefly about the kinds of tools that I think we have to use. And the title of this speech is, "All of the Above" because I believe that in some of the debate we've had over the strategy on terrorism, we've tended to divide into two groups, one group that is exclusively focused on military approaches and one group that says, "No, no, it's a law enforcement problem."

And my argument is, it's everything. It's all of the above. We have to use every tool in the National Security and the Homeland Security toolbox, and we also have to invent a few tools that we haven't yet fashioned.

Now, there's value in each of these approaches. If you look at the military option, there's no doubt that we could not have caused the damage we did to Al Qaeda if we had not taken the battle into Afghanistan where we could drive them from their refuge, where we could capture them, where we could kill them, and where we could force them to run into hiding. That was a major positive development in struggling against Al Qaeda.

But at the same time, we've also used civilian tools. We've used intelligence collection capabilities, like interception of communications. We've used our ability to disrupt the flow of finance, using some of our civil law authorities. We've even used conventional law enforcement, particularly in this country where we have arrested and successfully prosecuted a number of people

either directly for terrorist acts or for acts that perhaps were not terrorist in nature, but allowed us to incapacitate someone who we had reason to believe was a terrorist.

All of these approaches taken together, all of the above, constitute in my view what is an appropriate and layered, comprehensive strategy to dealing with terrorism, deterring terrorists from entering the country, capturing or killing them in their home base if you can do it, stopping them in the course of their travel, and bringing them to justice if we can find them in this country or in other civilized parts of the world.

Of course these measures, while important, are not sufficient. Because we also have to strike at the root cause of terrorism. That's not about economics; that's about ideology. And that's why part of what we have to continue to push on is what some describe as soft power, but what I would describe as ideological engagement. We have to challenge the ideological underpinning of the radical extremist groups like Al Qaeda that are carrying out these terrorist acts. We do it by promoting the rule of law. We do it by promoting democracy. We do it by promoting literacy. We do it by enabling people in the very communities that the terrorists are seeking to use as pools of recruiting, by enabling them to strike back and by enabling them to articulate an alternative vision, for example, of what it is to be a Muslim, a mainstream vision that is not rooted in an ideology of terror, but rather in the great religious belief that is the underpinning of the Muslim religion.

All of these efforts together are the only way we can prevail in what I believe will be a long struggle.

Some critics don't like one or more of these tools. And these discussions have become very politicized. So let me explain why I think all of the approaches have to be used. And those who would focus only on one approach are, I believe, seriously misguided.

Some people say (and you get this in Europe frankly sometimes) that by treating this as a war and treating this as a problem where there's a military approach that is appropriate, we are somehow elevating Al Qaeda or we are somehow betraying our ideals. But I think to renounce the military option in dealing with the terrorists that attacked us on 9/11 is to put us in the inadequate box we found ourselves in prior to September 11th, which is one that relied exclusively on the traditional tools of law enforcement and the courts.

If we had not used the military, I guarantee you, we could not have issued indictments against Al Qaeda sitting in Afghanistan. There would not have been search warrants there. There would not have been extraditions from Afghanistan.

They would have continued to use Afghanistan as a platform to launch attacks against us, as they did prior to September 11th.

Now some are going to say-- But I also have to take the other position as well. Some say, "Well, law enforcement is completely outmoded. We should totally reject that and we should operate entirely on a war footing." You might think that I'm channeling, you know, a conservative view within the Administration. But I'm actually articulating a position that was taken by *The Washington Post* editorial page in 2001 when we brought the Moussaoui case.

At that time, there were a series of editorials written by the editors of *The Post* that argued that by bringing Moussaoui to justice in an American criminal courtroom, we were making a big mistake, that we should yank him out, put him in a military commission, that using law enforcement at all was sadly misguided because it was merely repeating the lessons of the past.

Of course the Administration rejected that advice. We did prosecute Moussaoui, and we successfully did so in an American courtroom. So the approach the Administration took, contrary to urban legend, was not, use the military alone; it was, use the military in conjunction with all the other tools, including law enforcement.

And in fact, back in November, 2001 when I was head of the Justice Department, criminal division, I actually said that in testimony before Congress, that our position was, "We're going to use, not only military tools. We're going to use law enforcement tools. We're going to use the whole array of tools, because we cannot afford to leave any of these tools at the table when we're fighting, literally for the freedom and for the safety of our people."

So I would argue that it's a comprehensive approach that we have to continue to take. And those who would attempt to pigeonhole this effort into a single box, mainly because there's perhaps a political argument to be made, are actually doing a disservice to the country. We should come together and recognize that all of these elements of power are crucial and will be crucial for the next seven years, just as we have used all of these elements of power over the last seven years.

But now I want to also conclude by indicating that I don't think these tools are enough. We still find ourselves locked into a set of legal authorities and legal processes that were designed in the 20th Century when the world was neatly divided between nation states that waged war and individual groups that committed crimes.

Now as this has blended together with non-state actors, we find ourselves trying to fashion new tools with old existing concepts. And I'll give you a classic example of the kind of challenge we face. What do we do when we find someone in our country or someone in Europe finds an individual who is clearly recruiting and advocating for terrorism, but is not yet operating at the level when that person has actually committed a crime? They have not advanced or they have not moved from advocacy into the element of actual incitement or execution of a plan.

What do we do when this is an individual who has entered the country illegal? They're not even an American citizen or a legal resident; they're actually an individual who has no right to be in The United States. Well, the obvious start is, let's send them back where they came from. If we can't arrest them, we can't prosecute them, we can't incapacitate them, let's at least remove them.

But under modern law with respect to migration and asylum, as soon as an individual like this says, "Wait a second — you can't send me back where I came from because the fact that I am an outspoken advocate for terrorism means that I will not be fairly treated in my home country," as soon as they raise that argument, Western civilization is stalled. We can't send the person back. And we can't hold them because they're free to go. We haven't been able to make a criminal case against them. And as a consequence, we find ourselves in the position that we are literally faced with someone who has no right to be in the country, who we cannot remove and who poses a danger to the safety and the security of the citizens.

I'm not making this up. This is going on right now in Great Britain. A radical Islamist preacher by the name of Abu Katada, widely known as an outspoken advocate and supporter of terrorism, and illegally present in The United Kingdom, cannot be removed. He cannot be removed, even though according to the U.K.'s special immigration appeals commission, he is, quote, "...a truly dangerous individual," who was, quote, "...heavily involved indeed at the center of terrorist activities associated with Al Qaeda."

So why didn't they remove him? Well, the government could not deport him to Jordan because Britain's appeal court ruled that he couldn't get a fair trial in Jordan because of the fact that he was suspected of terrorism. They can't hold him because the British won't allow you to hold someone for a long period of time when you can't deport them. And he's not legally in the country because he was never admitted legally.

So now the British have to contend with an illegal promoter of terrorism whom they cannot remove, whom they cannot imprison. And I want to suggest, this is the kind of legal challenge faced, not only in Britain, but a challenge I hear from all of my counterparts in Europe. This is the kind of legal challenge we're

going to have to address if we are not going to subordinate the right of safety and security of the general public to the individual rights of a self-avowed promoter of terrorism.

So I conclude by saying Abu Katada's the poster child for the key point I've been making here. Our challenge is not to reduce the number of tools we use; it is to expand the number of tools. I hope that, not only in this country but in countries overseas, future administrations continue, not only to retain all the options that we are using now, but to think of new options, to evolve our system and to adapt our system to what will continue to be a dynamic threat coming from some very, very dangerous parts of the world.

So with that, as we conclude what I anticipated will be my final anniversary of September 11th in office, I want to thank the press. Because much of what you have done in shedding light on the challenge we face has helped to move public opinion. We don't always agree. And I can't always say that all reporting is accurate. But I think when you stand back and look at the institution of the press, it has made a far greater contribution to the security of the country than anything that one might say negatively about it. So I want to thank you personally, and I wish you all safety as you go about your personal tasks, which I know can be sometimes very, very dangerous themselves. (Applause.)

MS. SMITH: Thank you very much, especially for those last remarks. I know I speak for everybody in the room that we don't hear that very often. It's greatly appreciated, so thank you. And yeah, I think you just said it so I wouldn't ask you any mean questions.

First, I'd like to know what your response is to that legal challenge that you identified. What do you think the U.S. ought to do in that kind of case?

SEC. CHERTOFF: Well actually, you know, this came up, we were at Davos a couple of years ago. And David Cameron, who was the leader of the opposition in Britain, raised this very issue. And he said, in Britain-- The United States, this has been less of a problem frankly because our courts are a little bit more willing to allow us to return people, to deport them back where they came from. But in Britain, the rule changed. It used to be in the old days, in deciding whether you could remove an illegal-- someone illegally present based on danger, the court could weigh the danger to the individual against the danger to the community.

But the European Convention on Human Rights has eliminated that. They've given an absolute right to the individual not to be deported, even if there's only a very remote possibility that they can point to some, you know,

possible mistreatment. And they've rejected what were previously considered to be accepted promises or undertakings by foreign countries not to mistreat.

This is all-- You know, I can see the theoretical appeal of this. But it leaves you literally hosting your worst enemy in your own country, powerless to incapacitate him and powerless to remove him. And I think that-- Cameron's suggestion was that the courts ought to reconsider going back to that balancing test.

MS. SMITH: We have several questions about-- go back to the 9/11 Commission's recommendations. The first one is, can first responders talk to each other at the scene of a disaster in every metropolitan area in the U.S. now?

SEC. CHERTOFF: The broad answer to that is yes. We actually did a report card, kind of a spreadsheet a year ago that evaluated everybody's interoperability. The technology piece of this is actually not difficult. There are currently items called gateways which allow you to bridge different kinds of frequencies so that you can use different radios and plug in.

The challenge has typically been what we sometimes call governance, which is getting everybody to agree, what is the language you use? That doesn't mean you use English; it means you use-- What the police use is ten-code. Do you use what some people call plain English where you don't use codes? And who gets to talk to who? What are the protocols?

Sometimes that is the hardest challenge. But certainly many of the metropolitan areas have this capability now. And those that don't have the technology tools. They have to continue to implement.

MS. SMITH: Questioner says, why after seven years have we not come up with a way to detect nuclear materials such as that, would come over the border in containers, luggage, car, or whatever?

SEC. CHERTOFF: Actually we do currently scan every, virtually every container vehicle that comes into The United States by air, sea, or land for radiation. You go through radiation detection equipment, either fixed equipment or portable equipment. We do it at the point of entry here. We're beginning to do a little bit of this overseas, but for that, we have to have the permission of the host country.

The challenge has been when the material is shielded. If it's unshielded and it's a high emitter, it's not difficult to detect. If it's shielded, it's harder to detect and you have to bring in other technology into place, which is basically to X-ray and look for dense material.

The other challenge we tend to face is we get false positives. There's a lot of radioactivity that occurs in nature. And we then have to distinguish between natural radioactivity and dangerous radioactivity. We're working on the next generation of detection that would give us greater precision in the particular isotope so it'll take less time to do that distinction.

MS. SMITH: Questioner says, what do you think is the biggest transportation-related threat that we face now?

SEC. CHERTOFF: I'm going to distinguish between threat and vulnerability, which are different. Threat, I would still say aviation. Al Qaeda continues to focus on the aviation system as an area where they want to target. However, we've substantially reduced the vulnerability, because we've built in layers, including behavioral detection, including new technologies, including new protocols that have really, really raised the level of protection. So the threat I think is still highest there, but the vulnerability is significantly reduced.

MS. SMITH: Is there any way you can quantify that?

SEC. CHERTOFF: You know, I can come up with a number, but-- I mean, it's-- I can tell you the different things that we're doing. I can't tell you that vulnerability has been reduced 43%. I can tell you, we have put many, many layers into this and that we see time and again that we are able to stop people. There was a recent case where a behavioral detection officer, without even going to the machines, was able to see something suspicious. We opened up someone's baggage before we even put it through the scanner. And we found the various component elements of what could be made into a bomb. So we are-- It has not eliminated the vulnerability. And anybody who tells you, you can is making a false promise. But it has reduced it.

MS. SMITH: You've called for more background checking of truck drivers. Could you detail where you see that going? And also, are you talking about all truckers, or just those who haul hazardous material across ports?

SEC. CHERTOFF: I think the focus has been on those who have hazardous material licenses, haz-mats. And of course under the law, we have a program for transportation workers who are coming in and out of our ports. And that's where the focus is. The ordinary-- I think we're less focused on the ordinary, you know, person who's driving, you know, a recycling truck, for example.

MS. SMITH: Do we have a better, more detailed understanding of where Bin Laden is today than we did a year ago?

SEC. CHERTOFF: There's nothing I could possibly say about that that wouldn't get me into an area that I'm not allowed to discuss publicly, so. I have to pass on that question.

MS. SMITH: Could we gauge that by the level of your smile, perhaps?

SEC. CHERTOFF: No.

MS. SMITH: Do you envision a time that the U.S. will return to green on the threat alert spectrum? When and why?

SEC. CHERTOFF: Envision is different than imagine. I can imagine it. I can't envision it in the near future. For all the reasons I said, I think we're going to be dealing with some version of this kind of terrorism for the foreseeable future.

MS. SMITH: This questioner says, the 9/11 Commission report made a number of recommendations. Are you confident that the implementation of these recommendations has helped secure our homeland?

SEC. CHERTOFF: Yes. But I've been frustrated by the fact that it has become difficult with the passage of time to have the willpower to support all the implementation. One of the principle recommendations was secure identification, which meant that we had to make sure it would not be easy for people to fabricate identity and then use it as a way to get into secure areas or across our borders. We have made a lot of progress in that. We have more secure passports. The Western Hemisphere Travel Initiative now requires that by next June, we will have very secure documentation crossing our land borders. Those are big steps forward, implementing. And they've made a big difference.

Trying to get the secure drivers licenses has been a harder push because it costs more money and there's a little bit of inconvenience involved. That will not be completely implemented by the time I leave office. That's an area where I would urge that when people find their interest beginning to slacken and their willpower beginning to weaken, they go back and read the 9/11 Commission report and see why the commissioners were so adamant about the importance of this secure identification.

MS. SMITH: Getting to that idea of this, not in my backyard syndrome that you have mentioned before, and somewhat of the complacency of Americans, aside from reading the 9/11 Commission report every year, what else ought government leaders do to heighten Americans' interest and concern about the topic without desensitizing them?

SEC. CHERTOFF: Well actually the “not in my backyard” issue and “not my term of office” issue, courtesy to Howard Kunreuther, so I’m not accused of plagiarism, is actually a broader issue than just the issue of terrorism. It’s actually an issue where I’d like to engage the media. We seem to have enormous difficulty sustaining interest in important long-term projects in this country over the period of time that’s necessary to complete the investment.

In my world, I see that most with respect to the issue of a weapon of mass destruction, where we are currently investing in building capabilities to better detect and better respond to the possibility of a weapon of mass destruction. As you pointed out, there’s a report now which actually gives, I think, our Department, you know, pretty good grades on the stuff we’ve done. But clearly there’s more to be done.

Now, that threat is not, in my view, around the corner. But it’s going to take a sustained investment over years to develop a full set of defenses and responses to a weapon of mass destruction. That means the payoff, the benefit, and the reward for that investment is not going to be reaped necessarily in the next year or two. And the people who make that investment may not be in office to get the pat on the back when it works.

I worry that we don’t have the ability to do that sustained commitment. I worry that when we have to invest, for example, in the levies in Sacramento or the levies in New Orleans, or by the same token, when we have to say to people, “You’re building in a dangerous area. It’s too dangerous. We’ve got to change the building code to change the way you build or where you build,” I’m worried that, again, we can’t get that done. Because although we all realize the general benefit to society in strengthening those capabilities, no one either wants to make the investment or they don’t want to sacrifice their right to build wherever they want to build.

When we want to put in secure identification at the border, which we know the 9/11 Commission report tells us benefits the whole country, the people with border businesses worry it’s going to hurt their business. And the ability of a small, highly motivated group to derail a large project really puts us in a position as a society where we begin to lose faith in our ability to carry through on the kinds of major fundamental investments which I think are the foundation of an effective society, an effective economy. So to me, this is-- I would argue, it’s the number one public policy issue across the board for this country, is how do we build a way to get out of this “me, me, me first” attitude into a commitment to the collective good?

MS. SMITH: Do you have any suggestions?

SEC. CHERTOFF: I guess my suggestion, other than writing about it and trying to lay out in a more sustained way why some of these investments are necessary, I think-- A suggestion I made at Brookings the other day was, just on the issue of infrastructure-- You know, we looked at all the infrastructure in the country of national significance. And we picked a couple thousand we thought were the most important to protect from a security standpoint.

And we actually have succeeded in doing that. We've identified them. We're working with the people who own them. And we've raised the level of protection. We ought to do the same thing for infrastructure with respect to natural disasters or simple wear and tear. You know, what are the bridges that are most important? What are the dams that are the most important? And then we ought to have a sustained investment program that's designed to make sure those are kept in good repair.

Regrettably, we haven't done that. You know, every year, people want to spend the money on, "Here's a school here," or, "Here's a project there. It's going to be built in a year," you know, "My constituents will be happy." Maybe we need to set up, like, another Base Realignment and Closing Commission to do this infrastructure survey, to give us a disciplined, fair statement of what the challenge is, so we can start to put that investment against that challenge.

MS. SMITH: Do you think there would be wide acceptance in Congress and in this White House for that suggestion of another BRACC?

SEC. CHERTOFF: You know, our Administration is, of course, leaving in a few months. I think this is going to be a challenge for the next Congress and the next administration, and not just Federal, by the way. It should be done at the state level and the local level as well. Everybody should look to their own assets.

Increasingly my observation has been that engaged citizens, if they're interested in this, they can make it happen. But I think it's going to take the press focusing some attention on these issues so that we don't-- so we move away from the current model which is, "Don't invest. Wait until something collapses. Do a lot of finger-pointing after the fact. Throw five times as much money at the problem afterwards as you would have done if you'd done it first. And then move onto the next problem." We've got to change that model.

MS. SMITH: The questioner says, DHS has baggage screening for commercial jets. But what about private, corporate, and civil aviation? Should steps be taken to secure civil aviation? If so, what should those be?

SEC. CHERTOFF: Absolutely. And we have begun this process. I spoke about this about a year ago. We need to bring into the area of, particularly transoceanic private aviation measures that are comparable to what we do with respect to containers or commercial aviation. So we are currently working, a process of working on regulations that will require pre-screening and pre-clearing of transoceanic private jets. So that ultimately the vision is, we can make sure they're not smuggling in a weapon of mass destruction in a private plane that they wouldn't be able to get in through a container.

We're similarly working on upgrading security standards for domestic aviation, trying to do it in a way that doesn't become inconvenient, but that recognizes that we've got to raise the general level of security. Now here's another "not in my backyard" issue — watch to see if people in the industry start to complain because they don't want the bother or the expense of submitting to this. Because that's going to be another "not in my backyard" argument.

MS. SMITH: Shifting topics a little bit, this questioner says, the DHS raid on Howard Industries last month was the largest worksite enforcement ever. And it was another example of a company that uses eVerify being targeted. So the question is, how difficult is it to convince companies to sign up for the electronic verification system when it doesn't stop identity theft and leaves them vulnerable to raids? And will you be able to implement the regulation requiring all Federal contractors to sign up for this program before the end of the Bush Administration?

SEC. CHERTOFF: I think the question, the last is that the implementation will probably take place over a longer period of time than remains in the Administration. eVerify does a very good job eliminating one kind of fraud that people use to work illegally. It does not, however, address the situation where someone actually steals a legitimate identity. The value of eVerify is, assuming a company uses it in good faith, it will be a defense. In other words, if a company is not skirting the rules deliberately or manipulating the system, we're not going to punish people in a company because-- if they use the eVerify and it turned out that someone actually stole an identity and that's why it looked like it came up legitimately.

There are some things we can do to eVerify, however, to make it a better tool against identity theft. We're looking at doing things, for example, like allowing people whose identity have been stolen to register so that they can put essentially a lock on that identity in eVerify so that if somebody comes up using the same name and number, there'll be an alert that this has been reported as a stolen identity, kind of like what we would do with a stolen car, for example.

So we are working to enhance the system. But it does eliminate one major problem, and therefore it's obviously popular because we're getting thousand a week signing up. We're up to 80,000 now.

MS. SMITH: Questioner says, give us your candid assessment of the U.S. response to the latest series of hurricanes. What work remains to be done?

SEC. CHERTOFF: I don't want to jinx us with Ike. I think that the response to Gustav was a very good response. There were, you know, a couple things that were a little bit problematic. The state contracted with a bus provider. The bus provider simply didn't deliver. And we're going to have to figure out how to hold contractors accountable when they don't do that.

I think the key lesson from Katrina and the key lesson put into effect in Gustav is, if you can get a good evacuation before the storm hits, it doesn't eliminate problems, but it eliminates the major problem, which is a big loss of life. If you don't have an effective evacuation and if you then have a situation where you have a large area flooded, doing a rescue and evacuation in that circumstance is exceptionally challenging.

More broadly, the general problem of dealing with disasters is going to require us to balance the need to have a sufficient capability to surge when necessary against the reality that we can't simply sit with a lot of unused assets, year in and year out as against, you know, the one in a hundred year event. We've got to try to balance that with some level of efficiency.

MS. SMITH: This questioner asks, what has happened to all the FEMA trailers provided during Isabel? And why did FEMA force people out of the trailers before the work was finished on their own homes?

SEC. CHERTOFF: God, Isabel — that's way before my time. I think in general, the position on trailers has been, group sites are not-- trailers are not a long-term living solution. Generally when people have trailers in their homes, historically some of those trailers have persisted for a long period of time. We try to discourage them from doing that for a long period of time, but there's a little more ability for people, if it's on their own piece of property, to continue to use the trailer.

I think in the long-run, trailers were-- I don't think they were ever designed to be a housing solution. I think the Agency, many years ago, ten, maybe more years ago, fell into the habit of using them, first so you could rebuild your own lot, and then they became a housing, you know, grouping in itself. And I think that's just been an unhappy experience for everybody we've got to move away from.

MS. SMITH: What keeps you awake at night? What threat out there strikes you as virtually unstoppable?

SEC. CHERTOFF: I would say a weapon of mass destruction, not an imminent threat, but one that I think remains out there, particularly a biological threat. You know, a biological threat can't be necessarily detected. It can be carried in a very small vial. You could theoretically infect somebody, can send an infected person into the country and create a biological weapon that way.

The key with biology is early detection, detect in order to respond, and the capability to respond. Much of our effort (and we're going to be focused on this between now and the end of the Administration) is first continuing to get to the next generation of detection equipment, which is much faster than the current generation, which we've got now distributed in numerous cities around the country, and finding the most efficient way to distribute countermeasures to the population in the event that we did have a situation where we had to do that. And that's going to be a lot of what we're pushing on now as part of the President's strategy which he announced a couple years ago.

MS. SMITH: Do you think the color coded threat level indicator remains useful?

SEC. CHERTOFF: You'll remember it began as an internal operational tool which would allow us to deal with--- tell a lot of institutions very quickly, "You need to adjust your threat level. You need to do certain things." And it has utility for that. For example, when we moved to orange in aviation, what that meant was certain things changed in the back part of the airport. Certain protocols change in the entry to the airport.

So it's actually a useful tool from that standpoint. Of course because it was a secret, immediately people wanted to leak it. And then once it was leaked, it was leaked in a way that kind of hyped it and it was not a particularly helpful leak. So a decision was made before my time, but I think wisely, "Well, let's not keep it a secret. We'll announce it. And then no one will think it's a big deal." But then there was criticism about the announcements.

I think where we are now is probably a reasonably happy place. It's useful. We try to use it only in the most narrow way possible, focused on a particular sector or a particular location so that we don't-- you know, we're not overbroad. We try to explain why we've done it. I think we've only raised it twice during my tenure, once after the July, 2005 bombing very briefly in London. We raised it very briefly because we were concerned about copycats. And I think I

said that. And then we did raise aviation after August, 2006 because we did feel that that showed a persistent threat to the aviation sector which remains today.

MS. SMITH: If you were able to give advice to your successor, what would the top one or two items be?

SEC. CHERTOFF: I guess I'd say this — in this job-- I've had a number of jobs where I've had to make decisions. But in this job, you're going to make a lot of decisions. Your first decision is, what kind of secretary do you want to be? Do you want to get things done? Or do you want to be popular? If you want to be popular, then you should probably try to minimize the number of decisions you make and do as little as possible. In my view, you shouldn't take the job if that's what your goal is.

If you want to make things happen, you are inevitably going to wind up making some tough decisions. People are going to get angry. I probably have more state and local officials I deal with across the spectrum of my agency than almost any other department of government, maybe more than any other department.

Inevitably, they will be unhappy with some decision. Not everybody will get everything that they want. So you just have to prepare yourself for the fact that there's going to be an awful lot of pushback. You've got to work hard to communicate as clearly as possible why you're doing what you're doing. And you have to be willing to weather an awful lot of high wind in the opposite direction if you're going to get stuff done.

If you're not prepared to do that, you're going to have a very frustrating and unhappy time in the job. But if you are, I think when you come out of the back end (and I'm kind of in this position now, so I'm a little philosophical) you're going to say, you know, "Wow, we actually, this department, we actually accomplished a lot of things. We didn't do everything. And some thing, you know, we made mistakes in. But by and large, we really made progress."

And I think, you know, for anybody in a job like this, that's a satisfying feeling.

MS. SMITH: We're almost out of time, but before I ask the last question, I've got a couple of things I want to bring to you all's attention. First, let me remind you of some upcoming things. President Uribe of Colombia will be our speaker on September 9th. T. Boone Pickens, chairman of BP Capital Management will be here September 22nd. And on September 29th, Michelle Rhee, chancellor of the District of Columbia Public Schools will be here to talk to us.

Also this Saturday is the annual 5K run/walk which raised money for our scholarship program. So please join us for that. And second, I'd like to present our speaker with the famous National Press Club mug.

SEC. CHERTOFF: Great.

MS. SMITH: And my final question is, were your clearances high enough or your interrogating skills fine enough to pry the plot out of the program 24 when you visited Kiefer Sutherland?

SEC. CHERTOFF: The answer to that is yes, but the secret will go with me until the next season [simultaneous conversation] because not only do I have the capability of getting the information, but I have the wisdom to keep it quiet. Thank you very much. (Applause.)

MS. SMITH: Thank you very much, Secretary Chertoff for being with us today. Thank you for being with us today. I'd also like to thank the National Press Club staff members, Melinda Cooke, Pat Nelson, JoAnn Booz and Howard Rothman for today's lunch. Also thanks to the Press Club Library for its research.

A video archive of today's luncheon is provided by the NPC Broadcast Operations Center. Many of our events are aired on XM Satellite Radio and available on free download on iTunes, as well as on our website. And non-members may purchase transcripts, audio and videotapes at 202.662.7598 or at archives@Press.org.

Thank you very much for coming, and we are adjourned. (Gavel sounds.)

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