

ON INTELLIGENCE, NATIONAL SECURITY, AND CYBER SECURITY: A CONVERSATION WITH RAND BEERS

Rand Beers '64 is a U.S. government official who has served a number of positions, including on the National Security Council Staff, Director for Counter-terrorism and Counter-narcotics, Director for Peacekeeping, and most recently, Senior Advisor to President Barack Obama. He is currently a Dickey Center Senior Fellow and Visiting Professor at Dartmouth.

***World Outlook:** Could you just talk a little about your background, your work experience, and what got you interested in teaching and coming back to Dartmouth?*

Rand Beers: I left Dartmouth to become commissioned as a marine officer because I had been in the Navy ROTC program. I went to Vietnam, came back from Vietnam in 1968, went to graduate school at the University of Michigan for military history with the intention of joining the Foreign Service, and joined the Foreign Service in 1971. I worked in Washington for a couple of years and did one overseas posting and came back to Washington with the clear intention of transferring out of the Foreign Service. I had enjoyed my two years in Washington before I went overseas, and I wanted to be part of the State Department's Civil Service. So that's what I did for the next several years.

My first White House tour was in 1988 at the end of the Reagan Administration. I was mostly in the State Department's Bureau of Political-Military Affairs and I went over to the White House to be Director of Counter-Terrorism and Counter-Narcotics. I had some experience on the terrorism side from my Political-Military Affairs days through what was going on in the Middle East with the hijackings. I worked at the White House into the near end of the first Bush Administration. Then I came back to the State Department, briefly went back to the White House in the Clinton Administration, and stayed there—again doing “drugs and thugs” so to speak—until I became the Senior Director for Intelligence Programs, which is the person in the White House that not so much monitors the intel traffic as reviews intel policy. This person is responsible for the annual review of the covert action program, which is signed by the President and sent to the Congress, so if you don't have a covert action program that goes on indefinitely on auto-pilot. I was then I was asked to come back [to the State Department] and take over the Bureau of International Narcotics and Law Enforcement Affairs as an Assistant Secretary, which is the first confirmation position that I ever had. I did that into the early Bush Administration. Colin Powell and Rich Armitage—the Secretary and the Deputy [of State]—said, “you can stay on, but you should know that the House Republicans don't like you”—which I knew—“and if you want to move on or need our help to move on we're happy to do that, but please don't misinterpret that as we want you to leave.”

Around July of 2002, I got a call from an old friend of mine who wanted me to come back to the White House for a third tour as his deputy in charge of counter-terrorism. This is post 9/11. So I did, and he and I talked a great deal about what was happening, because by that time it was clear despite the effort in Afghanistan to move on to Iraq. We were both troubled by that in large measure because we thought it would impact the ability to deal with terrorism and undermine the global consensus for our presence in Afghanistan. In December, [President Bush] asked the two of us to pull the NSC together to discuss whether or not our counter-terrorism posture was adequate if we were going to invade Iraq given the mistakes made in the entry into Iraq.

We pulled the meeting together and one agenda item was, “will the entry in Iraq increase Bin Laden’s advantage to recruit more terrorists?” We got to that point in the meeting, and the CIA director spoke up first and said, “Yes. We really have to pay attention to this.” The second person that spoke up was Paul Wolfowitz, the deputy Secretary of Defense— Donald Rumsfeld had bowed out with a sore throat. [Wolfowitz] had been U.S. Ambassador to Indonesia, the largest Muslim-majority country in the world, and he said “yes” despite what people know about him in terms of the Iraq War. He didn’t pull a punch. The third person who spoke was [National Security Advisor] Condi Rice, in agreement with the preceding two, at which point the President stopped her and said, “this is not going to matter, because victory in Iraq will quell any intention people have to be recruited to [al-Qaeda].” He didn’t say it, but the implication clearly was that the shock and awe would lead other governments to be enthusiastic about squelching terrorism. Would-be-terrorists would be wary of joining an organization that might be struck by such a powerful military. So I decided to resign. It was only a question of when. I had read the National Intelligence Estimate and I knew that the [counter-terrorism] claims in it were not only shaky but were really shading the intelligence. And in one case, the actual intelligence was withdrawn. The nuclear stuff was weak. I ended up resigning about a day before the war.

I went back to the State Department and retired, joined Senator John Kerry’s campaign for President as his National Security Advisor. That didn’t work out. Then I taught at the Kennedy School with my friend Dick Clarke on a course that is quite similar to what I am teaching here. I also organized a non-profit to talk about national security from a Democratic perspective that didn’t sound exclusively like “we want no wars” to try to cut the advantage that Republicans traditionally have had in the national security arena and across the board. During the 2008 election, I remained neutral during the primary. After the Democratic National Convention, I got a call [asking if I would] be on the Obama transition team. I ran the pre-election transition team for the Intel Community and DHS, and then I ran the transition team for DHS and became Napolitano’s Undersecretary for Cyber Security and Infrastructure Protection and her CT advisor. When her deputy left, I became the acting deputy. And when she left, I became the acting secretary and went to the

White House for my fourth tour under my fifth President and retired from there.

***WO:** It sounds like you have clearly had a lot of experience over the past couple of decades in counterterrorism and domestic security. On that note, how would you say the domestic security landscape and the challenges that the government faces have changed since the 1990s, if at all?*

RB: Well, I mean there were people who conducted terrorist acts in the United States for different causes throughout that period of time. The first act of terrorism in the Clinton administration was an effort to blow up the World Trade Center by an Islamic terrorist or a group of them. But you know, we've had others and we've had people who we describe as terrorists who commit acts like [the Las Vegas shooting]. And so the domestic threat environment has probably, with the exception of the World Trade Center and the massive loss of life there, been fairly constant in terms of the number of incidents and the number of people killed. But 9/11 and the horrific nature of it and the fact that it was a foreign plot executed on U.S. territory set the alarms at a much higher level.

The presumption particularly in the immediate days thereafter was that there would another [attack] and another and another. In those years, people would poll experts and it was an overwhelming majority that thought there would be a major terrorist incident in the United States within the next five years. [As a result], the security posture of the United States had changed. We had air hijacking events before [9/11] mostly to Cuba. [The U.S. government] had the air marshal program created specifically for that, but the use of the plane as a weapon was new. And so we created a whole new infrastructure called the Transportation Security Agency— which took over airport security from mostly private sector companies. Regardless of which aisle you were on, private pressure for a federal presence was so high that the reluctance to disengage a private-sector area and make it a public-sector area was simply overwhelmed by that [private pressure]. The Department of Homeland Security was obviously organized [following 9/11], but TSA was created before that and used to belong to the Transportation Department.

Almost immediately after 9/11, [TSA] was up and running very quickly. It led to the creation of DHS and pulling these large and old organizations from other parts of the government to DHS— customs, immigration (which were combined and then split into three organizations— Customs and Border Protection, ICE, and the U.S. Citizens and immigration services), and FEMA, and the Coast Guard, and TSA, and Secret Service. The major law enforcement organizations that didn't move were DEA, FBI, and ATF, although the ATF moved from the Treasury to the Justice Department. Some would say that would be a mistake if we were to create the functional equivalent of a European Interior Ministry— you've got to have all federal law enforcement agencies in the same agency. But nobody was prepared to take on the FBI, and the FBI was not interested in moving. It had a perfectly satisfactory independent or quasi-independent relationship with [DOJ]. Why would they want to take any risk to have their writ cir-

cumscribed? DEA was just not a terrorist focused organization. ATF could have been, but I don't know why it ended up that way. That was just the shuffle that went on at the White House at the last minute when they realized that they were going to have a DHS rammed down their throats, so at least they ought to control who or what went into it.

In addition to TSA and air travel, we had the Coast Guard doing much more in terms of port security. We had Customs and Border Protection doing more of that border security. Not to mention ICE and immigration, because there was always this fear that an illegal immigrant would get into the United States or would come in on a visa and overstay and would conduct some terrorist act. The issue with visas overseas which had pretty much become –I don't want to say rubber stamp— but it was much easier to get a U.S. visa. We decided prior to 9/11 to have a program called the visa waiver program where [citizens of] countries with insignificant overstay rates simply could apply and come any time they want, and they didn't have to reapply. There were some requirements for the government to be assisting the U.S., but it basically meant that there was a large group of people entering or in the United States with little in the way of background checks, which created its own sense of concern.

And then we had occasional, but obviously much smaller, terrorist attacks in the United States but nothing approaching anything like 9/11. Well, the Orlando one became the largest single mass shooting in the United States when it happened. No longer. People, you know, had to some degree adapted. We went through this clerkhood period right after 9/11 and the anxiety at the White House was, if you raise it for something, how do you take it down? How do you justify taking it down if you thought it was important enough to raise it? And that threat hasn't been resolved, but the rest of the country just ignored it. I mean basically if you contacted the police departments outside of Washington and New York, and maybe L.A. and Chicago, they didn't do any extra work. It was a burden if the government didn't pay for overtime.

That still meant that political leaders used terrorism as an election issue. Who is stronger on terrorism? Saxby Chambliss ran in 2002 and called Max Cleland unpatriotic, because he thought that when the defense mapping agency became part of a larger organization that it was poor policy to think that a government union would be appropriate for that organization. You know Bush? Bush ran on Iraq for re-election. The worst hadn't hit yet. That was 2006. You know, by 2008 it became an election issue in the other direction. I think by then, people had to some degree disengaged Iraq from terrorism. It was a civil war and we had picked sides in the civil war with the majority population. Including the fact that they also happened to have relations with Iran made it a little complicated in those times but, again, that persisted. So when events happened each President would dutifully say, "and we're going to review our policies and make sure they're stronger" and then come out with an announcement about how the policies had been strengthened and so on, up to and including the

2016 election. [Terrorism has] become a security attention that's much stronger than [the perceived threat during] the Red Scare of the 1950s. In terms of domestic acts of terrorism or anarchism, if you want to call the Red Scare anarchist. I think that it is, without question, an overreaction to what statistics would say has been pretty much controlled. There are still more people killed by guns in non-terrorist acts in the United States since 9/11 than by terrorist acts in the United States; there are a lot more dangers in your everyday life, [such as] driving a car and other kinds of common accidents that occur. And yet, we have created a domestic security economy, which is even more pronounced than the Cold War security economy, which was focused on a foreign foe.

WO: During your time in DHS under President Obama, would you say that the folks that you worked with tended to [or] like did you get the sense that these fears were being overblown for political purposes or was it more of a sense that it was possible that people simply fell in line with the public perception and hadn't looked at the numbers quite as closely?

RB: The people who work at DHS together with the Intel Community and the FBI take seriously what could and should be done on security. But I don't think that the [Intel Community's] general view is that we adapted to the clear failures that occurred during 9/11 and recognized that no bureaucracy can ever be truly bereft of defect. People really understood what it was but were always willing to think about or listen to other measures, particularly after an incident, whether overseas or in the United States. But I think the excesses that were associated with the immediate aftermath of 9/11 were understood to be excesses. But you know the other side of that is if you are in law enforcement, you know that you cannot stop all crime. You still go to work every day, [and try] to think about how you can stop crime. And this is a crime. And the question is to make sure that it doesn't become an excuse to do things that don't necessarily make us safer and undermine the values that Americans hold surrounding freedom, privacy, and civil liberties.

WO: I know that you have some experience working with cybersecurity infrastructure, as well. On the topic of privacy, where would you say that you stand?

RB: Oh, boy. I divide it into two things. The privacy issue centers primarily around government access to your information. In fact, I remember I was on a panel after I was out of government at Harvard on this very issue, and my presentation was [about] the private sector, [which] takes and mines all that data, and the government is prohibited from taking that information or is limited in its ability to take that information. How do you square that? And the answer that I got from a former Congressman— oh gosh, I don't remember his name, but he was head of the American conservative union from Georgia— [who] said the government can arrest you, [but] the private sector can't arrest you. And that was ok. I understand that. I wasn't arguing for it. I was just struggling with that issue because I was involved in ... what

used to be called the encryption war, which took place in the late Bush 1 administration and extended on into the Clinton administration, where there was a question about the encryption of messages [and] making it difficult for the national security agency to decipher messages that they could pick up lawfully. This is pre-9/11, using it for the US without a warrant, and it was pretty clear that the privacy community was prepared to accept the diminution of American security capabilities in order to protect that. And John Podesta— who you would think of as civil libertarian— he was on the encryption side of it. ... At that time, it was to basically offer government encryption, government-sponsored encryption with a back door. The same argument that Comey used more recently having to do with the California iPhone. So that's a long way to get to and did it make any difference? And so how much information do you get anyway, if you know who is on the other end of a phone call?

WO: And what tangible security benefits does that actually provide?

RB: And so, what more you get other than that will tell you whether or not you really want to pay attention and hire somebody to break the code. You know, the FBI is unclear about who they hire— there are reports. It almost doesn't matter; it is a device; it can be broken into. The question is, how long does it take? So where I come down is, I would want to be very careful about how quickly you wanted a back door in order to take information that was private information, certainly without a warrant. And you can't compel a person to self-incriminate in other parts of our society and if that person feels that the information on that phone is incriminating, but why is whether or not they want to open the phone is even an indication that the person doesn't want to be self-incriminated. I would stick with what we have, and if there's really something that needs to happen, it can probably happen and that's just the nature of cybersecurity. That there is no perfect defense.

WO: Do you think we will ever see a point where cybersecurity policy really starts to take shape, and more importantly, is not strictly reactive?

RB: There are a couple of features to that. The first is you can buy pretty good cybersecurity, which will prevent the— I don't want to call it nuisance— but the less important break-ins to your private information. But then there's the private sector, which has a lot of that information in its own possession and not just for you, but for millions of people. You have to accept the same kind of expectation that the [private sector companies] will work as hard at it as you will, you know different people don't work at all.

And it costs money, and it generally isn't perceived as part of a contribution to the bottom line. What have we had, let me think. The biggest encryption company in the United States named RSA, had a breach into its vault, which was not even con-

nected to the internet, because some employee took a USB drive and moved it from the internet to the vault and stole the encryption keys. RSA had 85 percent of the dual key encryption market including clients from most of the U.S. government.

WO: When was this?

RB: Back in the early Obama administration. The CEO [of RSA]— Art Coviello— did not lose his job. He was really shaken by that and became a very public advocate for all of the protective measures that people talk about. The military was also caught in the same thing— where the Russians had breached a top-secret computer, and so they said, “no more use of USB ports in classified systems” and in some cases soldered them closed. So, the issue here is, the military may be the best at it and they’re not perfect. The federal government is much more distributed than the military system or the classified system, which the military also runs. And just getting the rest of the federal government, which was DHS’s job, to undertake good practices like how many access points to your department are there, and there were thousands. There’s a big move to reduce that number.

It took several years before most, but not all of the federal government was willing to get behind a firewall that was provided by DHS with the assistance of NSA, and there were some agencies who said well actually since you’re technically reading my information— I know you’re not “reading” it— but it is being read by a machine, and we receive proprietary information. FDA or HHS we are legally bound not to do that. Then you have to get a legal opinion and work around it in order to do that. [And then you need to monitor what goes on, and you look for anomalous behavior.] You had to convince Congress to fund it at DHS, and the first concern was well, wait a minute, you’re funding one department to provide a product to all departments and that’s a contradiction of the way that the budget is supposed to work.

And then you have the private sector and you have no ability to compel. The one act that came closest to doing that was undermined by the Chamber of Commerce because it was a quasi-regulatory act. What we have is the cybersecurity framework that the National Institutes of Standards and Technology puts out and updates, which is a guide to private sector companies about how to think about cybersecurity. But back to the point about Coviello. Until you get to the target breach, you don’t have a CEO who lost his or her job. It certainly dampened the stock of some companies, but not significantly. RSA didn’t lose a dollar in its stock price after a slight dip. So how do you get a CEO to think, “I have to not only have a chief information security officer, but I have to allow that person to advise me to spend money that’s not going to help my quarterly report, and my stock payers are hiring me to make money for them.” So that’s a roundabout way of saying that it’s a hard climb until there are clear penalties that cause companies to fire their CEO.

And even then, it's not perfect. So that's a long way of saying we will move forward slowly, but not enough and not soon no matter how much we talk about it.

So, we have the election, a different kind of cybersecurity— although the DNC was breached by a Russian hacker. I mean it's not new that the Russian government hacks the U.S.— they also hack the White House and the State Department. The Chinese do the same thing in other parts of the government. I'm reporting public information to the press; I'm not revealing what I know from my background. So, it's a different approach, but it started in part from a plain old breach. Well an aspect of it came from a plain old breach, and the information there was disclosed. And we haven't even talked about the insider threat.

***WO:** In general, how would you assess President Trump's performance in responding to domestic security concerns, both natural disasters as well as man-made threats?*

RB: He has distorted DHS and its mission by the emphasis on immigration. I actually think it makes sense to have a system like E-Verify, which says that if you apply for a job and you provide your social security number, the employer is obligated to run it against the national database to make sure you are who you say you are. There are problems with that system, and redress is one of them, and that needs to be fixed. There is no question about it because they're false positives. There still will be a cash economy and everybody knows that. Landscaping is certainly one [job example], and to some extent construction since there's not a direct deposit.

There will be violations, but to some extent that's not an unreasonable system. However, suggesting that the government isn't doing as much as you could reasonably expect to prevent terrorists from coming into this country, and that somehow blocking people from places coming into this country isn't going to make us safer. I mean hypothetically, a European passport holder under the visa waiver program can go undetected to Syria and fight for ISIS and come back. Rather than doing something in his own country, he decides to get on a plane and come to the United States where it's actually easier to obtain weapons or explosives than it is in most of Europe. It's shocking that it hasn't happened already except I think that it's related to the affinity that people who go feel to coming back to the country from whence they came and to the group that probably had something to do with them being recruited in the first place. It's a familial/clan/tribal set of relationships rather than Khalid Sheikh Mohammed having this truly brilliant idea of inducting a terrorist attack to blow up the World Trade Center and Pentagon.

Secondly and sadly, every administration seems to go through [a learning process]. Clinton learned from Bush one and Hurricane Andrew not to make the same mistake, Obama learned from Bush two not to make the same mistake, and Trump hired someone with serious credentials. He was the emergency director for Alabama. The

[Trump administration] did a really good job, I think most people would say, for both Texas and Florida. Puerto Rico is, without ascribing a motive, an odd, slow, incomplete response, and tarts whatever good public support the Trump Administration got from the first two [natural disasters]. More importantly, those are the kinds of disasters in which everything has to move as quickly as possible and it didn't. The excuses about the runways and the ports are inadequate. There are runway repair crews in the military that can take a bombed down airport and make it useable in twenty-four hours. People know how to clean up ports, but until the port is clean, you can put a helicopter carrier in the area and began the process of moving emergency people in. And as soon as you open the airports, you can move emergency vehicles in, if that's what you need, and you can certainly supplement the driver population who maybe not even able to get to their truck or who may not even want to leave home because of the disaster. So that's a sad commentary on the lack of response, but as a large sector of America learned, Puerto Ricans are American citizens.

Those two things have overshadowed everything else that DHS does and they're still going to be impacted by budget cuts. If you're worried about domestic security, you can't say that DHS doesn't belong in a protected category in the same way that the Pentagon does. Maybe not an expansion of its budget. For instance, why would you cut the Coast Guard, which deals with maritime immigration, drugs, port security, and a possible flotilla coming from Cuba, not to mention oil spills and other things like that? Why would you flat-line the Secret Service when you have an expanded security requirement for the First Family and a President who likes to go to places that don't have their own natural security? Yes, you increase the number of people who are supposed to be hired by Customs and Border Protection and ICE, and that might help to some degree with immigration security, but there are other things that could do it just as well. So they're underfunding the Department of Homeland Security while emphasizing domestic security.