

Hearing before the House Homeland Security Committee on “A New Perspective on Threats to the Homeland,” February 13, 2013, Statement by Clark K. Ervin (in my personal capacity)

Chairman McCaul, Ranking Member Thompson, and members, thank you very much for inviting me to testify before you today at this important hearing. It is a great joy for me to testify before you, Mr. Chairman, recalling as I do with delight our years together as fellow Deputy Attorneys General to then Texas Attorney John Cornyn. It is not every day that one gets to testify before a Chairman who happens to be a dear personal friend dating back many years. Congratulations on your ascension to the chairmanship, and I look forward to working with you going forward. And, of course, though we were not colleagues likewise in a prior life, I count you, too, as a friend, Ranking Member Thompson, and am delighted to be working with you again in your key role on this key committee.

It seems not so long ago that the nation was beginning to turn its attention away from the threat of terrorism. With the end of the war in Iraq; the beginning of the end of the war in Afghanistan; the killing of Public Enemy Number 1, Osama bin Laden, and that of his would-be rival for that dubious title, Anwar al-Awlaki, as well as the devastatingly successful drone campaign against various and sundry Al Qaeda lieutenants and foot soldiers in Pakistan, Yemen, and Somalia; the absence, thankfully, of successful terror attacks, and the absence for some time of even significant aborted terror plots, even some sophisticated analysts and observers had come to think that terrorism had returned to the status of a second-order concern for policymakers and war fighters.

If anything good has come out of the crises in Mali, Benghazi, and Syria, and out of the renewed and intensified controversy, occasioned by a recent movie and recent confirmation hearings, over drone strikes and enhanced interrogation techniques, it is the underscoring of the sobering fact that, our signal victories and wholly understandable war weariness notwithstanding, terrorists of one stripe or another continue to pose a grave threat to the world in general and to our homeland in particular. And, if anything, the terror threat today is more complicated than it was a decade ago because the threat is more diffuse, with “Al Qaeda Core” having metastasized, cancer-like, into various virulent regional cells throughout most of the world. And, we face today’s terrorism threat in a severely constrained fiscal environment, with huge defense cuts looming like a proverbial Sword of Damocles, limiting policymakers’ and war fighters’ options to a degree unprecedented in recent history.

For all these reasons, in this tenth anniversary year of DHS, I would argue for placing “security” back at the front and center of “Department of Homeland Security.” By that I mean that the rightful acknowledgement that the department has multiple important missions to carry out – preparing for and responding to natural disasters; extending the benefits of and enforcing the penalties in our existing immigration laws and working with the rest of the Administration and Congress to reform our immigration system; patrolling our coastline and rescuing mariners in distress; and protecting the President and other senior Administration officials and visiting foreign diplomats, to name a few – its *chief* role is to do its part to detect, deter, and defend the nation from terror attacks.

I would be remiss if I did not acknowledge the huge progress that DHS, working with its partners in federal, state, and local governments, the private sector, and among the American people, has made, through two Administrations now, one Republican and one Democratic, in helping to secure the

nation. Our aviation sector in particular, on which terrorists, understandably, remain fixated, is far more secure than it was on September 10, 2011.

But, I remain concerned about certain aspects of even our aviation system, like, for example, the continued vulnerability of air cargo on passenger planes, and our use of devices at airport passenger checkpoints that are, really, anomaly detectors, as opposed to what we really need, namely, *explosives* detectors.

I worry, too, about our relative lack of focus over the years on securing our mass transit sector. The threat to mass transit is not merely theoretical. The successful attacks in London, Madrid, and Moscow, and the aborted plots against mass transit in New York City, all show that mass transit is also in terrorists' cross hairs, and sooner or later, they will attempt to strike here again. If we are not careful, one day they will succeed.

I worry also about our maritime sector, specifically, the smuggling of radioactive material in containers, and hope that we will redouble our efforts to try to find a way to scan not just cargo about which we have suspicions, but *all* cargo in an effective, efficient, and economical manner, without bringing global commerce to a halt. Call me a "worry wart," but I don't trust terrorists to complete a shipping manifest accurately or to do business with only "unknown shippers," and so a "risk-based" automated target system largely based on such trust gives me pause. As President Reagan would say, "Trust, but verify."

And, finally, cyber-threats. Every passing day shows that cyber-crime and cyber-terrorism are clear and present dangers to our nation. We will either do everything in our power to prevent a devastating cyber-attack on our nation now, or sit here (if we are lucky enough still to be around) five years from now, or ten years from now, or twenty, and lament the fact that we did not. It is **imperative** that both the Administration and Congress put partisanship and ideology aside to devise and enact, this year, a law to make our nation more secure from this potentially cataclysmic threat.

To conclude, making progress on all these fronts will require adroit leadership on the part of Secretary Napolitano and her leadership team, working in concert with the Congress, with your committee and your Senate counterpart in particular. Given the grave threats, and our severe fiscal constraints, there is no time to waste, and not a single dollar to waste. I would applaud her for taking steps like pulling the plug on costly and ineffective procurements like SBI-Net and DNDO's ASP program, and, I hope that this year, and in the many lean years likely still to be ahead, that she will have congressional support for directing counterterrorism grants to only those localities most at risk of terror attacks.

Again, Mr. Chairman, Mr. Ranking Member, and members, thank you for inviting me to appear before you today and I look forward to responding to your questions.

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