

Homeland Security Advisory Council Summary of Teleconference Held on September 15, 2009

The Homeland Security Advisory Council (HSAC) held a public conference call on September 15, 2009, convening at 5:00 p.m. EST.

The HSAC convened via teleconference for the purposes of: 10 receiving a report from the Homeland Security Advisory System Task Force; and 20 holding deliberations and discussions among HSAC members.

In accordance with the provisions of Public Law 92-463, the public conference call was open to the public from 5:00 p.m. to 6:00 p.m.

Council Members Attendance:

Judge William Webster, Chair
Gary Hart, Vice Chair
Chuck Canterbury
Dick Canas
Jarrod Cohon
Manny Diaz
Ellen Gordon
Fran Townsend
Harold Schaitberger
Kareem Shora
Lydia Thomas
John Magaw
Jeff Moss
Martin O'Malley
Chuck Wexler

U.S. Department of Homeland Security Staff Attendance:

Becca Sharp, Executive Director, Homeland Security Advisory Council
Mike Miron, Deputy Director, Homeland Security Advisory Council
Patrick McQuillan, Homeland Security Advisory Council staff
Jenn Myers, Homeland Security Advisory Council staff
Julie Curry, Homeland Security Advisory Council staff

JUDGE WEBSTER:

Good afternoon, everyone. I am William Webster, Chairman of the Homeland Security Advisory Council, and I hereby convene this meeting. This is a public meeting of the Council, and we appreciate those members of the public, the government, and the media who have joined us today. I'd also like to welcome the members of the Homeland Security Advisory Council and members of the Homeland Security Advisory System Task Force who are on the call today.

Our purpose today is to hear the results of the Homeland Security Advisory System Task Force meetings. Our Task Force met in person and by teleconference between July and September 2009. As former

Department of Homeland Security employees, security advisors, academics, first responders, elected officials, and members of the private sector, task force members shared their own knowledge and experience with the current alert system.

The Task Force members also engaged public, private sector, and international subject matter experts involved with Homeland Security alert systems. These meetings included hearing from both former Department of Homeland Security Secretaries, Tom Ridge and Michael Chertoff. The Task Force was chaired by Fran Townsend and me. We had an excellent and diverse group of Task Force members that included the following:

Michael Assante, Chief Security Officer, North American Electric Reliability Corporation
Randy Beardsworth, Principal, Catalyst Partners
Richard Ben-Veniste, Partner at Mayer Brown, LLP, and 9/11 Commission member
Alfred Berkeley, III, Chairman and CEO of Pipeline Trading Systems, LLC
Matt Bettenhausen, Homeland Security Advisor, State of California
David Bradley, Owner, Atlantic Media Company
James Carafano, Senior Member, The Heritage Foundation
Manny Diaz, Mayor, City of Miami
Clark Kent Ervin, Director, Homeland Security Program, The Aspen Institute
Mary Fetchet, Founding Director, VOICES of September 11th
Shirley Franklin, Mayor, City of Atlanta
Joseph Ricardo “Rick” Fuentes, Superintendent, New Jersey State Police
George Gascon, Chief of Police, City of San Francisco
Christine Gregoire, Governor, State of Washington
Michael Rounds, Governor, State of South Dakota
Joe Shirley, President, Navajo Nation
Edward Skyler, Deputy Mayor for Operations, City of New York

David Bradley was our group’s principal editorial writer who pulled this report together, and we’re deeply grateful to you David.

We thank all of them for their efforts.

Now I’d like to turn the meeting over to Fran Townsend to brief you and summarize the report of the Task Force to the members of the HSAC, the Homeland Security Advisory Council. Fran, the floor is yours.

FRAN TOWNSEND:

Thank you, Judge. First I just want to make clear, we were not tasked, nor are we presenting today, a definitive alternative system to the current Homeland Security Advisory alert system. There was a lot of informed discussion and some disagreement among the Task Force members, and I’ll go through the executive summary of the major themes that came out of those discussions, but it is most important, I think, to emphasize that what we’ve provided are some thoughts and some suggestions for reform of the system so that we might enhance the public credibility associated with such a system.

The information that we’re providing today is for the Secretary to use as she sees fit and as she considers how to build and improve the National Advisory System. The findings or the recommendations of the Task Force fell in six major areas. I’ll go over them, and my understanding from the staff is that the full report will be posted — will be made public later today, this evening, if it’s approved by the HSAC.

First, the enduring merit of a dedicated advisory system. The discussion around this was that what we — the nation continues to need an alert — an advisory system that focuses on the terrorism threat, that it — that while there are other national warning systems for weather and natural disasters and infectious diseases, the Task Force believes that the current system — and that the current system needs reform. We do have an enduring national need to maintain the nation's vigilance in terms of the terrorism threat, and so the — in the first part of the discussion, we believe that there is a continuing — there's continuing merit in a dedicated terrorism advisory system.

The second observation is that while it's not been clear, we believe, up to now, there really are two distinct audiences for the alert system. One is the public, the American people, and the second are institutions, that is governments, the private sector, federal, state, local officials and first responders. The current system has functioned reasonably well for the first responder audience in terms of calibrating their response. And while this required constant effort between the Department and those first responders, it — the expectations between them is reasonably clear based on this system.

On the other hand, the system's ability to communicate useful information in a credible manner to the general public has been poor, and significant rethinking and discussion of the Task Force focused on the need to communicate to the public audience. And there are some particular suggestions in the body of the report.

In that same vein, the third major theme, looking at the current advisory system, was the concern of Task Force members that it really doesn't command sufficient public confidence, but — and there were — on this issue, I think there was a good deal of discussion on — as you look at revising the color code system, do you retain the use of colors? Now, the Task Force, I should say, was equally divided as to whether there should be a color or other gradated system retained or whether it should be completely abandoned. While they were equally divided, the Task Force members were unanimous that if the Secretary were to decide to retain a system of utilizing colors or other gradations, that substantial reform is required. There was — I should say that in terms of the color — you'll find this in the body of the report — if a color system were retained, the recommendation was to reduce the number of levels, that five was no longer required nor useful, and I believe that the [inaudible] that the Task Force recommended going to a three-tiered system.

In terms of measures that ought to be — recommendations about restoring public confidence, the Task Force recommended a disciplined, more narrowly targeted alert system going — that focuses on specific regions or sectors that are under threat and avoids alerting the — elevating the alert status for the whole nation, that more specific information on new threats should be provided including information on the type of threat, the credibility of the source of the information, and the steps that the government is taking to mitigate the vulnerability, that any alert to the public ought to be accompanied by actionable steps that the public is recommended to take, and that a new — any reform of the system ought to include establishing a new baseline as guarded but that we will always be a country that must remain vigilant.

There should be a focus on lowering the alert status. There was a sense among the Task Force members it goes up, but it doesn't necessarily have a system for going down, and there were some specific suggestions made in that regard. And also, in terms of restoring public confidence, there ought to be a practice of debriefing the nation after alerts have been issued so that they understand what the current status is.

The fourth area revolved around a discussion on this new baseline to a guarded status, and when it comes to the idea of lowering it, there was a discussion on whether it should come down automatically or whether there ought to be triggers, but, regardless, if it's maintained, the Secretary ought to explain to the public the basis upon which there is credible intelligence to explain why it needs to be raised — continue to be raised.

The fifth area of discussion was the need for greater precision in identifying the specific local government first responder and private sector companies threatened and the protective measures that necessitate a response. The Task Force suggests things along the lines of — that the best response involved targeted raising of the formal alert status as opposed to the broad issuance, and that even if a colored status is used, that it ought to be accompanied by specific information and verbal warnings, so there ought — we should not rely simply on colors, but there ought to be a detailed narrative, but the American people should be provided with as much threat details, consistent with national security, and focused on specific locations and sector actual risk, and a commitment that the alert status, if elevated, will be lowered back to the guarded level consistent with threat intelligence.

Lastly, if a graduated system, a color system, is maintained, the Task Force was unanimous in suggesting that maintaining such a secured — Homeland Security alert system will require dedicated infrastructure, staff, established protocols and procedures. The basic infrastructure should include criteria for deciding when an alert shall be made or a change in threat status announced, protocols for applying the criteria to the new threat information, protocols for consultation with the White House, protocols for communicating alerts and new information status, protocol for providing the supporting information to the public at the time of the alert, and the individual designated to coordinate the resulting communications. In sum, the idea was greater public transparency as to the process will enhance credibility with the American people if they understand how these decisions are made.

Judge, that basically walks us through the executive summary. As I say, there are additional details in the body of the report, but I'll turn it back over to you.

JUDGE WEBSTER:

Thank you, Fran. That's an excellent summary. I really have nothing much to add to what you have just given us except to note that in the appendix of the report is a — the summary of the Congressional actions that have been taken to mandate the performance of an alert system which will be found at 6 U.S. Code, Section 124. It's in the appendix. It's brief, and we felt that it was — the guidance was very well focused, and we believe that our recommendations are consistent with the statute.

Now we have an opportunity to allow the HSAC members who are participating today to make any comments that they might wish. I will open the floor for comment on this report from any of the other members, and we await your thoughts and advice.

Please identify yourselves before you make your comment.

MANNY DIAZ:

Judge, this is Manny Diaz. I just wanted to thank you and Fran for the outstanding job you did as co-chairs. Obviously this is a very diverse group with diverse backgrounds and opinions, and you really kept everyone in check and moving forward to meet our deadline to generate this report, and I also want to thank Becca Sharp and Mike Miron and the entire staff for being able to somehow take everything that we said at all of our meetings and then putting it together in this excellent report, and if you'd like — if you're ready to entertain a motion to adopt the report, I'd be willing to make that motion.

JUDGE WEBSTER:

I'd be happy to have it.

MANNY DIAZ:

Okay, so moved.

JARROD COHON:

Judge I will second the motion to approve the report.

WILLIAM WEBSTER:

All right, moved and seconded. It's still open for discussion.

JARROD COHON:

I think the report was very well done and very well written. I congratulate the Task Force. They did a very good job and a great service to DHS and the nation. I particularly like the focus on more targeted and specific, to the extent security concerns allow it, and I think these are lessons learned from the field of risk communication. One of the things I would suggest is that we try to convey to the Secretary the need to stay abreast of the latest ideas in risk communication and the very extensive ongoing research in that area, and I certainly support approval of the report. Thank you, Judge.

JUDGE WEBSTER:

Thank you very much, Jarrod, and your point is well taken, and without any amendments of the report, we could certainly and appropriately include your suggestion in our cover letter if the report is adopted.

JEFF MOSS:

This is Jeff Moss. I just wanted to congratulate everybody on producing this report. I especially appreciated point number 14 on acknowledging that there are many different ways in which communities can receive critical information, especially new media outlets through the Internet, and I thought it was very refreshing for the report to acknowledge that, that we should be engaging social media outlets as well as existing communications channels, so very impressive to read, and I would also move to authorize the report.

LYDIA THOMAS:

Judge, this is Lydia. Hi, Fran. Just to thank you for the work that you've done. I'm particularly impressed by the section directed to the public. I think it's very important that we not only keep all of the agencies who are actually in the response business all well connected and very familiar with this system, but I think the public is very much looking to the Department for leadership and improved understanding of how they should respond whenever the alert is changed, and I think that the recommendations that you have here are terrific, and so I certainly, as a member of the HSAC, also endorse the report.

KAREEM SHORA:

Judge, this is Kareem Shora. I also want to congratulate you on an excellent report and findings, and I do want to actually echo Lydia's points as far as restoring public confidence in the system. I read the specifics involved there, and I think that the steps that you've decided to recommend are highly desirable and I think would go a long way in restoring public confidence in the system itself, so I wholeheartedly support it and would very much second the motion to pass it. Thank you.

DICK CANAS:

Judge, this is Dick Canas. I also endorse the recommendations. I think that the three levels with the guarded as a default is an excellent suggestion. I know we all have seen that the color itself has probably drawn more heat than light, but [inaudible] at least the three levels is certainly — is essential, and so I endorse all these recommendations.

HAROLD SCHAITBERGER:

Judge, this is Harold Schaitberger. I just want to add my endorsement and — to the recommendations to the report. I think it's already been stated and it's clear that there's been a significant improvement in, if you will, the back-end communications with the public safety response, and I guess the default — I am, you know, pleased to see that, because the question, you know, that comes to mind is that, unless I am wrong, that really since 9/11 we've really been in a permanent orange, at least in New York City, Washington, D.C., and I assume in most of the major metropolitan parts of the nation, which seems to make it in some ways not irrelevant, but it undermines the importance of the status, and I guess it — the default, unless I have not really picked up in the report clear enough, exactly how we'll — how quickly and how will that depart — default be determined to go back to guarded?

JUDGE WEBSTER:

I think that in most parts of the country we're still in yellow, and the aircraft industry have been under the more serious orange, but we were trying — I know that the report tried very hard to make sure — there was a serious obligation to be articulated in protocols approved by the Secretary, that there be no resistance to appropriate return when a — when return is warranted and that the burden is on those that want to keep it to make that clear.

HAROLD SCHAITBERGER:

Thank you.

WILLIAM WEBSTER:

Well, if there is no one else who wishes to speak, I think it's time to vote — the report has been moved and seconded to approve the report and submit it to the Secretary of Homeland Security. May I ask for a voice vote. All in favor, please say Aye.

All HSAS members vote to approve the report.

JUDGE WEBSTER:

The motion is certainly carried, unanimously, and it will be referred to the Secretary promptly.

We're going to bring this public session to a close. Members of the public who would like to provide comment, and that includes the media who would like to provide comment, to the Homeland Security Council may do so in writing by writing to as follows: the Homeland Security Advisory Council, U.S. Department of Homeland Security, 1100 Hampton Park Boulevard, Mail Stop 0850, Capitol Heights, Maryland 20743, or by way of email to HSAC@dhs.gov. These comments will be appreciated, and they may — will be reflected in the meeting minutes.

So with that said, and my thanks to you all, I declare this September 15, 2009, meeting of the Homeland

Security Advisory Council adjourned. Thank you very much, and thanks to all the staff who made it possible.