

Victor Shi:

Welcome to Intergenerational Politics Sub Podcast. Makes politics engaging and relevant for all generations. This is Victor Shi a freshman at UCLA and the youngest elected delegate for Joe Biden.

Jill Wine-Banks:

And I'm Jill Wine-Banks. I'm an MSNBC Legal Analyst and the author of The Watergate Girl. I'm also the wearer of Jill's pins, and in honor of our guests today, I'm wearing a very special pin. It's an eagle holding a shield that says, "Defend America," and you can see it on my Twitter account, my website, and hopefully in our show notes. So today the United States is facing an unprecedented level of threats from both international and domestic sources.

The Washington post reported a disturbing analysis, finding domestic terrorism incidents had soared to new heights in the United States. And that Right-Wing white supremacy groups like Proud Boys and Oath Keepers are among the leading perpetrators of domestic terrorism. They were proud of the insurrection on January 6th, when a violent mob provoked by Trump stormed the Capitol Building in an attempt to overthrow the results of a free and fair election.

Victor Shi:

Just 100 days over, we want to dedicate this episode of Intergenerational Politics to talk about the current landscape of domestic extremism, the road ahead for alt-right white nationalist groups and the role of the Biden Department of Homeland Security and other agencies have in stopping these groups from continuing to harm our country. We are honored to have with us former Secretary of Homeland Security, under president Obama, Secretary Jen Johnson.

Before becoming Secretary of Homeland Security, Jen served as General Counsel of the Department of Defense, General Counsel of the Department of the Air Force and as an Assistant United States Attorney for the Southern District of New York. Currently, Jen is a partner at the Paul Weiss law firms. So, there is really no one to talk to you today about these issues than Jen. So thanks so much for being here.

Jen Johnson:

Thank you. I look forward to our discussion, Victor and Jill. Thank you for having me on.

Jill Wine-Banks:

Thank you.

Jen Johnson:

By the way, I too was a delegate to a convention.

Victor Shi:

Oh?

Jill Wine-Banks:

Which one? In 2008?

Jen Johnson:

This transcript was exported on May 19, 2021 - view latest version [here](#).

2008, and when I was about Victor's age, I also volunteered for my first presidential campaign, Carter Mondale 1976. While I was [crosstalk 00:02:36]

Jill Wine-Banks:

That was my first campaign too. I worked for Sergeant Shriver at the time. And I'm sad, of course, about the recent passing of Senator, Vice President, Ambassador Mondale, who became a friend. We did a program at the University of Minnesota law school about Watergate from his perspective from the Senate side and mine from the prosecution side. So, that was a great loss. And recently-

Jen Johnson:

I don't know if you can see it, your viewers, listeners, but behind me is my bumper sticker collection.

Victor Shi:

Oh wow.

Jill Wine-Banks:

Oh, wow.

Jen Johnson:

I partisan. And it goes back to Herbert Hoover, you can see there on the top, and it has Carter Mondale, but what's very unique about that mounted bumper sticker collection, is I have Jill, you will appreciate this, I have both a McGovern Eagleton Bumper Sticker and a McGovern Shriver Bumper Sticker on the same [crosstalk 00:03:35].

Jill Wine-Banks:

Oh my God. That's fantastic.

Victor Shi:

It's like the most political junky thing that someone can do.

Jill Wine-Banks:

Would you take a picture of that and send it to us so that we can post that, because it's fabulous.

Jen Johnson:

Of course.

Jill Wine-Banks:

I have a picture of-

Jen Johnson:

[crosstalk 00:03:48] 10 out of 10, solely for the bumper sticker collection.

Jill Wine-Banks:

That's fantastic. Absolutely. I have a picture that just got published in the Chicago Sun Times of me wearing a Carter Mondale button. It was during the campaign and it was next to a picture of Katie Holmes, who's going to play me in the movie based on my memoir. And I don't know why they picked that particular picture, but I sent it to... For it's just a month ago.

So, that was the last time we were in communication. But I just thought it was cute and funny, but, while we're diverting from the serious stuff, before we went live here, you mentioned to us what you were doing just before getting on our podcast. And I would love you to share that because it's something I didn't know about... Oh, first we're answering the phone.

Jen Johnson:

All right. Go ahead.

Jill Wine-Banks:

Could you tell us about your radio gig? Your radio [crosstalk 00:04:47]?

Jen Johnson:

Oh, yes. So, I work in New York City, but I live in Montclair, New Jersey, which is just outside of New York City. And I love classic R&B music. And we have a radio station here in the area, WBGO 88.3 FM. It's about as far left and I'm dating myself. Now, you could go, 88.3. And during the week it's jazz, and on weekends, specifically Saturday, it is classic R&B. And I love the radio station. I love it on Saturday, wherever I am, whether I was in Washington, whether I'm home here, any other part of the world, I always listen to that station and it's public radio.

And if you pledge enough money to public radio, they let you do anything, including taking over the radio station. So, they have this program called Host an Hour where members and supporters can go on for an hour, bring their own playlist, play what they want, narrate, and I started doing that in 2002 and it has got to the point where I'm one of the board of directors, and I go on routinely once or twice a year.

And I have to tell you, spinning your own records, your own playlist on a radio station, is more fun than any podcast, any Meet the Press appearance, definitely any congressional testimony, or anything else.

Jill Wine-Banks:

Wow. So, what's your favorite classic R&B song?

Jen Johnson:

Favorite is, there's no one favorite. Otis Redding, Sam Cook, The Four Tops, Aretha, Dionne Warwick, I mean, I could go on, it's dozens. There are literally dozens. I have a favorites playlist that is over 100 selections itself.

Victor Shi:

Wow.

Jill Wine-Banks:

Wow.

Jen Johnson:

So, there's no one particular artist. As I do this interview, in today's New York Times, there is the obituary of someone named Bob Porter, who I most often went on with. He was a real classic R&B, jazz, [Officio 00:07:04] Natto. He was a great man and he died just recently. His obituaries in the New York Times today.

Jill Wine-Banks:

Well, all the artists that you named are wonderful. They're some of my favorites. And I just watched the la risa docu-drama of, I don't know exactly what it was, which was wonderful. And we've actually been contacted by Mary Blige who plays Dinah Washington in that, about coming on our podcast. So, that may be coming. Maybe you'll be interested in that particular podcast as well.

Jen Johnson:

Now that you've said that I'm going to show you something which you can see here-

Victor Shi:

Oh wow.

Jen Johnson:

That is an embassy party in Washington, the French Embassy, November, 2015. And my wife and I showed up and there are Supreme Court Justices, Diplomats and so forth. And at some point before we sat down, I asked the maître d', where am I seating? Because you want to know which justice I'm I sitting next to. And he said, "Well, we've sitted you next to Ms. Franklin. We hope you don't mind." "All right." But I was like a school kid seeking an autograph. That was pretty cool.

Jill Wine-Banks:

So, there's a rumor that Aretha Franklin. I lived near the French Embassy when I lived in Washington. I was in Adams Morgan on the other side of Connecticut Avenue. But that she also lived on Connecticut Avenue near Ashmead. Joh, Can you confirm it? Is that true? Was she my neighbor?

Jen Johnson:

I have no idea. Sorry,

Jill Wine-Banks:

I'm going to have to do some research on that.

Jen Johnson:

I was a national security, but I don't know everything.

Jill Wine-Banks:

Well, we hope you know enough to answer our questions, which we are quite confident that you do. So, let's go back to the serious stuff about January 6th. And, since that time the CIA director, Avril Haines, has identified domestic terrorism and many others, not just him, as the biggest threat facing America today.

Haines called domestic terrorism, the most lethal threat to America and said it has transnational connections. So, let's start with your view of what domestic terrorism is, and why it is such a threat. And if you agree that it is the most serious threat.

Jen Johnson:

Well, there are several strands to it. I have, since I became a part of national security, watched the terrorist threat to our Homeland evolve significantly. When I started with the Obama administration in 2009, as the senior lawyer for the Department of Defense, we were still very much in the thick of conflict in our Counter Terrorism efforts against al-Qaeda. al-Qaeda in the Arabian Peninsula, Core al-Qaeda, al-Qaeda in the Horn of Africa.

And so, a lot of what I did as the senior legal official for DOD, was to sign off on our Counter Terrorism operations. Which in my judgment, made our Homeland significantly safer from an extraterritorial terrorist threat. We have degraded al-Qaeda significantly, we have degraded the Islamic State, ISIS, significantly, such that it would be very difficult for them to launch an attack, large scale attack, on our Homeland, again.

We evolved from the foreign directed attack, like the one I just described, to what we referred to as foreign inspired attacks. Where the terrorist actor is in the Homeland is based here, but is inspired by something overseas on the internet and so forth. And we saw a lot of that, and you'll remember in the period, 2014, 2015, 2016. Now we are faced with a further evolution to the domestic based, domestic inspired acts of terrorism.

The largest scale example of that was Timothy McVeigh, 2015, but we now see sporadic attacks. January 6th, is a bit of a unique circumstance. In many respects, January 6th, it was like analogies are often poor, but in many respects, it resembled what happened in Benghazi, in 2012. It was a collection of different strands of people, groups that had converged on one place to do violence. And a lot of people refer to it as a terrorist attack.

Technically, legally, it meets the definition of terrorism, but I believe it is the very essence of the definition of an insurrection. It was an insurrection, and I think we should call it as such. But Avril is correct, that the principle terrorist threat to our Homeland is now domestic based, and therefore it is incumbent upon our government to shift its emphasis. I used to tell people at Homeland Security, "Don't respond to the last attack. Let's be prepared to respond to the next attack."

And our government is often very slow to respond to and see emerging threats. So, the hearing, the other day, of the leaders of our intelligence community, Avril Haines, who is the DNI, I thought presented a clear-eyed picture of the threats that we face, including not just terrorism, but climate change and a series of other things.

Jill Wine-Banks:

So, when we think of the domestic side of it, do you have some specific groups that you think have formed to pose a great threat to us?

Jen Johnson:

Well, there's a very interesting study that was authored by a professor at the University of Chicago, Jill, right there you are, Robert Pape, who actually studied the demographics of those who converged on the Capitol January 6th. They're better educated than you would expect. And many of them come from blue states. And many of them come from diverse communities.

And what Professor Pape concludes is, there were two principle motivations for what happened on January 6th. A. stop the steal. The big lie that somehow our election was stolen from Donald Trump, and B, fear of the great replacement. You all know what I'm talking about. The fear of frankly, the increasing diversification of our nation. which is an unfounded fear, obviously.

And that seems to be the driver for a lot of the white nationalist, violent extremist. We see whether it's January 6th, or whether it was Charlottesville and whole lot of other things in between.

Jill Wine-Banks:

And of course, Charlottesville, they were chanting, "The Jews will not replace us." That's a direct, of course, it refers back to the Nazis before World War II, and during World War II. But it's clearly a direct expression of the replacement theory. And so, we'll talk about that, but first I want to just go back to Haines who, when she used the word transnational connections it was a phrase I hadn't been familiar with.

And so, I'm not sure that all of our listeners and watchers have done that. So, could you maybe tell what you think Haines meant when she said transnational connections?

Jen Johnson:

That could be in a couple of things. transnational could mean international groups and organizations that exist in multiple jurisdictions. It could also mean a group, an organization, that is domestic, but is inspired, encouraged by foreign influences that seek to stoke division in our country. So, I think that we have to be mindful of all of those threats.

Jill Wine-Banks:

And do you think that, when we look at groups like the Oath Keepers and the Proud Boys, is there any interaction between them that makes each of them a greater threat and-

Jen Johnson:

There's obviously strength at the numbers, and strength in organization. These different groups have slightly variant objectives, but it all tracks back to white nationalist extremism.

Jill Wine-Banks:

Yeah. That's one of the things I've tried to discern is, just in terms of tactics, but also in terms of goals, how different are they when ultimately they're all, to me, anti-democratic and definitely white supremacist in a lot of what they're saying, or anti-semitic as well. So, am I correct in that they do have different goals? And is there anything specific about their goals, or tactics that it's worth noting?

Jen Johnson:

They have slightly different goals, but it's all a variation on the same theme. And if you were to find the charter of which one of these groups, I'm sure that the original motivating principle it's somewhat different. For example, there are groups that simply hate and refuse to recognize the federal government and exist for that reason. They don't want to pay taxes, they don't want to acknowledge the jurisdiction of the federal government.

And there are groups that are just out not racist, they're groups that are out not anti-semitic, that deny the Holocaust. there are groups that deny 9/11, there groups that are all of the above. So, it's a menu of intolerance, evil bigotry and white nationalism.

Jill Wine-Banks:

Is Donald Trump a causative factor in the growth of these groups? I mean, I'm sure they existed before him, but he certainly unleashed them and made them legitimate. And I use that word, advisedly, but in his mind he empowered them. Let's call it that.

Jen Johnson:

Here's how I would say it. You're right. These groups did not arise after 2016. They existed before 2016, but what President Trump did was to emboldened them, to basically, peel the lid off of these groups, encouraged them to crawl out from their rock, tell them, "It's okay to exhibit your hatred and your racist attitudes in the open, in Charlottesville and elsewhere." And so, it was a boiling pot and he lit the match.

Jill Wine-Banks:

And he also tried to divert.

Jen Johnson:

[crosstalk 00:19:43] January 6th. Even Mitch McConnell said he was morally and practically responsible for what happened on January 6th.

Jill Wine-Banks:

And Mitch McConnell also said, "And he hasn't gotten away with it, yet." There is a criminal and civil litigation process that could hold them accountable, which we all hope for. But Trump [crosstalk 00:20:03]

Jen Johnson:

I believe so. I believe one of the reasons we haven't heard that much from Donald Trump's since January 20, is he spends probably all of his time with lawyers with all of the different lawsuits that he's defending right now.

Jill Wine-Banks:

Good. Good. So, he also has tried to divert from the role of these groups by saying, as has McConnell and others, "It's an Antifa. That's who it is. It's the left. It's really not us." Do you think there is any comparable threat from groups that represent more left leaning viewpoints?

Jen Johnson:

No, they're not comparable at all. And any suggestion that Antifa was somehow behind January 6th, is a big lie. And one of the problems we face in our democracy, I'm writing a speech on this right now, is given social media, you can believe which you want to believe. There are so many different sources of news and information, "On the internet," that do nothing more than reaffirm your own biases and conspiracy theories and suspicions that he wants some validation that Antifa was behind January 6th.

You could go on the internet and find it. It'll be a cuckoo saying, or maybe even a United States Senator who's saying it, but you can find validation of it someplace. Jill, you and I, when we grew up, we had five basic sources of news, four or five. Local newspaper, your local radio station and Walter Cronkite. And in fact, if something happened in the course of a day, I didn't believe it happened until I heard Walter Cronkite tell me it happened on the CBS evening news. And all of these sources had standards.

Now, anybody with a keyboard and access to the internet can claim to be a source of news and information and spread all kinds of ridiculous baseless conspiracy theories, which is why we are confronted with questions like which shouldn't even be given a moment's thought about whether or not, Antifa had something to do with January 6th. Now that's ridiculous.

Jill Wine-Banks:

I can't agree with you more on that. I think that the change in the media landscape, in the old days, we also had Huntley Brinkley, and there were basically, a limited number of sources and they all had the same facts. We did not debate the facts. We could argue about the policy implications, but we didn't debate whether truth was truth. And that is [crosstalk 00:22:54]

Jen Johnson:

[crosstalk 00:22:55], you're entitled to your own opinions, but you're not entitled to your own facts.

Jill Wine-Banks:

Exactly. Exactly.

Jen Johnson:

I used to work for him when I was Victor's age, for the summer.

Jill Wine-Banks:

What a great person to work for.

Victor Shi:

Yeah. Yeah. And we want to get into that more because it's such a concerning aspect of our society now. And we just talked to Clarissa Ward who is a CNN more correspondent on Monday, and what she said was particularly enlightening about that. Which is basically like, "You have so much misinformation and disinformation being thrown at you and the goal of that isn't to persuade you, but the goal that is to get you to shut down, and once you shut down, you become really vulnerable to totalitarianism." And I thought that was really interesting. And I think just the amount of misinformation out there is really starting to get people to not believe in anything to the point that they-

Jen Johnson:

It's seductive too.

Victor Shi:

Right. Right.



Jen Johnson:

It's like the [inaudible 00:23:44] buttered popcorn, it's seductive.

Victor Shi:

Yeah.

Jill Wine-Banks:

There's a great speech by Sacha Baron Cohen in his own words as him, not as Borat, but as a serious person, speaking to the Anti-Defamation League about social media and the dangers and damage it has done. And maybe, Victor, we can post that as well, because it's something that really gets into the impact that this has had.

Jen Johnson:

I'm not here to trash social media. There are many, many virtues to being able to hold entire world in your hand. And I am not at all suggesting government censorship of what appears on social media on the internet. And we don't do that in this country. We have a First Amendment. Part of the solution is it's incumbent upon Americans to be more scrutinizing when it comes to what they listen on the internet.

And very often we read a headline, or we read a paragraph, or we read a news alert, or a blog, and we think no further, we just accept what we're being told from the sources that we are drawn to without a lot of scrutiny, or a lot of thought. And I think it's incumbent upon Americans to be informed Americans. If you want to participate in this democracy, because so much of the crap that is out there, if you just simply scratch below the surface, you will know that it is crap.

Victor Shi:

Well, speaking of crap, we mentioned this a little bit earlier, there's this growing claim from Republicans that immigration is leading to this replacement of the white population. And to me, this isn't only racist, but it seems to have been empowered by alt-right national scripts, as well, and Jill mentioned the chant at Charlottesville that echoed what Nazis chanted before World War II. And I'm wondering how, first your thoughts on this, but how dangerous is this being pushed by huge media sources like Tucker Carlson, lawmakers, and other Right-Wing people, and whether that increases the chances of domestic terrorism?

Jen Johnson:

I agree with the premise in your question. Economic study, after economic study, shows that immigrants, whether you're talking about someone at the Southern border from Central America, or a scientist from Southwest Asia, does not displace an American job, they add value. They add to our economy, they add jobs in many respects. I mean, study after study has shown that, yet, there's this notion that immigrants cost Americans jobs.

Well, first of all, we are a nation of immigrants except for Native Americans, and except for my slave ancestors who were brought here in the 17th and 18th century, we're all immigrants. And, as Ronald Reagan said, "You can go to France, but never be a French man. You can go to Germany and not be a German, but you can come to America and be an American."

We're all Americans. And most of us are, at one point or another, in our lineage immigrants. And so, this notion of displacement is a false premise. Yet, it is red meat. It plays well. And I remember a defining point in my time in public service was, we were very close in 2013, 2014 to get in comprehensive immigration reform.

And then, right around the same time, the issue of immigration became a real overheated issue. Anytime there was a surge in our Southern border, conservative media plays that to the hilt because it stokes people's fears, their prejudices, their suspicions, and it is motivating much of the hatred we see right now.

Victor Shi:

Yeah. That is for sure. And there's the other week Marjorie Taylor Greene, Matt Gaetz and other Republicans who voted against the certification of Joe Biden as president, they also announced that they're forming this new, "American First Caucus." Can you describe what they're doing with this out of common respect for uniquely Anglo-Saxon political traditions, which is widely understood to mean, white supremacy.

And the coalition stances are extreme outright lies, ranging from the big lie about election fund security, to claims about mass migration, posing an existential threat to America. And I'm wondering, especially since you're writing a speech on this, and since you've been involved in national security, how do you convince someone who is on the extreme partisan sides, whether it's on the right or the left to believe in facts again.

Because to me, they just seem unreachable. But, do you think there's any way to reach them and to get them to understand that what this American First Caucus is? It's just all based on lies and unfounded claims.

Jen Johnson:

There's a story I heard, which I think is accurate, but it may not be as I'm going to tell it completely accurate. But I think the essential point is there. There was somebody who was a Trump supporter who was in late stages of his life. And I think he knew he was going to die, and he took himself off social media. And when he did that, he uncoupled himself from all of the hysteria and conspiracy theories and became more fact-based in his thinking and ended up voting for Joe Biden before he died, or he died just before the election, something like that.

I heard this story someplace, but it makes a point, which is that, human beings, there's a part of us that resides within us that is by nature, suspicious, a little paranoid and uncomfortable with those who are different from us. And the wrong influences can stoke that to the surface in various different forms, in various different ways, and various different periods of our history.

And if we peel the lid off that and encourage it to the surface, some really ugly things can happen. And we went down this road in a very, very dangerous experiment with the election of Donald Trump, quite frankly. And we saw the consequences of this, our democracy, almost... The wheels of our democracy almost came off the bus on January 6th.

We're seeing the consequences of that in a lot of other ways, but the movement that we are talking about in this podcast, is now at the surface. It's not below the surface anymore. It's not under the rock anymore. It's out there in the open. We saw it. And so, I believe it's incumbent upon Americans of goodwill to speak out about this.

I think it's incumbent upon all of us to encourage our family, our friends, our students, any of us who have a public voice to encourage Americans to be more fact-based in how they formulate their

opinions and their attitudes about things. I mean, they're, of course, dealing with violent extremism that the law enforcement avenues, law enforcement tools in the toolbox and so forth.

But there's a very basic problem with our democracy right now, in that people are entitled to believe what they want to believe. A very, very alarmingly high percentage of Republicans believe that the election was stolen from Donald Trump. It's not because of any court ruling they read, because there is no such court ruling. It's not because of any state election official who refused to certify the election for that reason, because there is no such state election official. It's because of hysteria, and lies being told on the internet.

That people see, and they assume, "Well, if it's there, it must be true. There must be something to it."

Victor Shi:

Last night when Jill and I were preparing for this, I told her about this one, huge social media influencer. Her name is Candace Owens and it was right after the show been trial. And basically, she went on Tucker Carlson's Fox News and was saying that the decision was because of mob rule that basically, the media created this narrative, which then, influenced the public. and then, the jury was influenced by mob ruling.

And that's just the type of thing that I look at and I see... What would you say to younger people who are on social media? And when they look at that, a huge chunk of her 2.6 million followers obviously buy into that. So, how do you even go about going on social media, and I guess, verifying your sources? Checking your biases? Going through all what you just mentioned, to make sure that people do actually believe in facts.

Jen Johnson:

[inaudible 00:33:50] section of people from the Minneapolis area who don't know each other before they walked into the courtroom who went, "We don't know this because we never saw the jury." Or probably a cross section of the demographics in that area, which is very diverse, is not a mob. A group of 12 Americans citizens in a jury box and they controlled situation in a courtroom is not a mob. Let's be clear about that. That's ridiculous.

The good news to what I was talking about earlier is that, our courts are still a forum for truth. TV shows and an American life, we always look to the courtroom as the place where the truth finally emerges. The last couple of minutes of Law & Order, truth always emerges. Inherit the Wind, Jill, truth emerges. All these movies and TV shows at the end of the court scene, truth always emerges. A few good men.

And we looked to the courtroom as the place where truth and justice emerge. And I think that is still true with respect to our court system in this country. State and federal. Sometimes justice can be a little sloppy. Sometimes there are a few bumps in the road, but in general, our judges and our juries get to the right result.

And so, while the political branches of our government have become very polarized and immobilized, I think one of the good news aspects of our democracy that is still the case, is that, our courtrooms are still places to go to get truth.

Jill Wine-Banks:

So, maybe now's a good time to look at the role of the department of Homeland Security. The cabinet position that you held in the Obama administration.

Jen Johnson:

Very happy not to have it anymore.

Jill Wine-Banks:

Yeah. Do you think it's gotten harder now?

Jen Johnson:

Yes.

Jill Wine-Banks:

All right. Well, let's start with, just so that our audience is fully informed. Talking about what the role of DHS is, what tools it has to combat domestic terrorism, domestic extremism, and its general role in our government right now.

Jen Johnson:

Sure. The department of Homeland security is the third largest department of our government cabinet level, after DOD and Veterans Affairs. It was formed, as everybody knows, in the wake of 9/11 by an Act of Congress in 2002. The cornerstone mission was Counter Terrorism after 9/11. The assumptions then were, if you put into one cabinet level department, the regulation of all of the different ways someone can enter our country, land, sea, and air, you will have effectively dealt with terrorism because terrorism, and this goes back to what I was saying before, terrorism then was regarded as an extra territorial threat. So you keep certain people out of our country. You keep terrorism out of our country.

And so, we put into one cabinet level department, the border patrol, customs, TSA, the coast guard, border security, port security, aviation security, maritime security, and then the cybersecurity mission came along. And we threw that in there too. That model is now outdated because the principle terrorist threat is a domestic threat. And there not a whole lot of Homeland Security police running around in the interior, looking for terrorists.

DHS personnel reside principally at the borders, at the ports, at the airports, at the sea ports. So, when it comes to law enforcement in the interior, the DHS model is outdated. And we have to look to the FBI and other law enforcement agencies to enforce the law, to pursue criminal investigations in the interior.

And that's not to suggest therefore that we should hire thousands of new DHS cops, or Homeland Security Investigations to look for terrorist in the interior. It suggests that the existing model and Jill, the question you ask, is hard because DHS itself is not equipped to go out and arrest a whole of domestic base terrorist.

And so, as that threat was evolving while I was in office, I spent a lot of time on what we referred to as CVE mission, countering violent extremist, where I'd go out to various different communities across the country and meet with community groups, organizations dedicated to eradicating extremism, Bring them together with local law enforcement to encourage them to work with law enforcement before something violent can happen here in the Homeland.

But it's an outdated model, and for the most part, we have to look to our FBI, at the federal level, to deal with domestic based terrorism. Now, if I were King, or I could just decree a realignment of government, I'd decree something that would never happen. Which is, you create a Department of Public Safety, much like ministries of the interior that exists in other countries.

And I put into that large department, every single federal law enforcement agency, leave the lawyers in the Department of Justice, civil and criminal, but put every federal law enforcement agency in one big Department of Public Safety, FBI, DEA, ATF, border patrol, Homeland Security Investigations and the federal Marshals and any other law enforcement agency you can think of, I put them all in one place under one cabinet secretary. I deconflict all of their missions. I deconflict all of their cybersecurity missions, and I give them a very large intelligence collection directorate that shares Intel with all these different agencies. So they're not competing and go from there.

That's a very efficient model. It's also a very, very big cabinet department and it'll never happen, but, in a perfect world, that's how you'd go about this, because you're then able to confront all different types of threats as they evolve.

Jill Wine-Banks:

Yeah. It's so interesting how needed talking to each other is. When I was General Counsel of the Army, we had a problem working with our allies because sometimes our communications devices didn't talk to each other. Sometimes our hoses, when a ship would come to port in Europe, it was on the metric system and our hoses didn't fit. So they couldn't use this.

Jen Johnson:

So I have bad news for you. That's not a problem.

Jill Wine-Banks:

Well, that is really a shame, because we certainly worked at it. And the same is true, of course, with the FBI, not talking to all the other agencies of law enforcement that you've. And so-

Jen Johnson:

[crosstalk 00:41:53] General Counsel of the Army.

Jill Wine-Banks:

Yeah. So, I shared that with you too, because you were General Counsel of the Air Force, right?

Jen Johnson:

Right.

Jill Wine-Banks:

Yeah. That was one of my best jobs ever. I loved Lavia.

Jen Johnson:

General Council of the Air Force, is also the civil administrator of Wake Island in the Pacific Ocean. So, the General Counsel of the Air Force, I bet you didn't get this with the army, is a governor of an Island in the Pacific Ocean. I thought that was pretty cool.

Jill Wine-Banks:

I was the General Counsel of the Panama Canal and worked on the Panama Canal Treaty. So I had a foreign thing was that, but no, I didn't get to be governor of any foreign territory. And that is definitely true. So interesting.

Jen Johnson:

[crosstalk 00:42:34] on that night until my wife, she was first lady of an Island.

Jill Wine-Banks:

Did she love it"

Jen Johnson:

No. We never got to go to Wake Island.

Jill Wine-Banks:

Oh, too bad. Anyway, so... Go ahead.

Jen Johnson:

There's not much there. Migratory birds.

Jill Wine-Banks:

Well, that's of interest to me anyway. So let's talk about DHS. When you were there, DHS during the Trump era and DHS now? And the cases that are happening, but also with particular, and you mentioned this, the tools that are available to DHS. One of the biggest issues that I've seen discussed now is, that we aren't prepared to fight domestic terrorism for all the reasons you stated. But also because we have set up laws that allow us to do certain things in terms of investigation that we can do for foreign terrorists, that we can't for domestic. So I'd love your views on whether you think that's unnecessary change.

Jen Johnson:

In general. I am cautious when it comes to providing law enforcement where the additional legal authorities to pursue criminal investigations. I think we have to be careful there, especially when you're talking about domestic crime. We don't want to end up in a situation where people, or groups are targeted by the FBI through some extraordinary legal authority because of what they believe, or what they advocate, or because of the size of their marches.

My own grandfather, Jill, had an FBI file. He was a sociologist in the 1940s and 1950s. My own grandfather testified before the House, Un-American Activities Committee. And first [inaudible 00:44:46] it was, "Are you now, or have you ever been a member of the communist party?" "Oh, well, not now never been a member of the communist party." It was a sociologist who wrote a lot about civil rights, but the FBI in the 40s and 50s believe that, if you advocated, if you were a black man and you advocated civil rights and civil liberties, you were somehow a danger to our national security.

And I tend to believe that we have the legal authorities we need to pursue terrorist organizations, violent extremist organizations, it's a question of resources and focus. And I heard, I was listening to testimony from the FBI director, not long ago and I heard him say the same thing. Now, there may be places here, or there where Congress has a role to tell the Department of Homeland

Security, "You shall focus on this. You shall focus on that, or appropriate more money for this, that, or the other thing." But I think we need to be careful in expanding upon the government's legal ability to investigate what someone perceives to be suspicious behavior.

Jill Wine-Banks:

You mentioned resources, though. Do you feel like there is a need for additional resources at DHS? Particularly aimed at domestic extremism?

Jen Johnson:

Not many people know this, but, one of the things DHS does every year for purposes of Homeland Security, is grant making. DHS gives out hundreds of millions of dollars to local law enforcement, state local law enforcement, for purposes of Homeland Security. Surveillance equipment, armored vehicles, things of that nature. I go to a big city and the police commissioner would say, "See that SUV of mine over there, you paid for that. Or see this big flat screen monitor in our operation center, you paid for that too." And I suspect that there is always a greater need for resources at the local and state level based upon evolving threats.

Victor Shi:

So, you've been at, not only DHS, but also the Department of Justice, also with the Department of Defense, and-

Jen Johnson:

I was an Assistant US Attorney as a kid. I was a young lawyer, 30, 32, 33. Hired in 1988 by Rudy Giuliani. I worked in the Southern District of New York. And I worked alongside Jim Comey, Louis Freeh, Fran Townsend, and a host of other people.

Jill Wine-Banks:

That wasn't purpose of, I know what Victor's, question's going to be, but are there any scripts you'd like to share about [crosstalk 00:47:53]

Jen Johnson:

No. He hired me, and then he left a month after I started to go run for mayor. The first time.

Jill Wine-Banks:

Oh, and I worked with him at the Department of Justice in organized crime.

Victor Shi:

Wow. Oh my.

Jill Wine-Banks:

Victor had a serious question.

Victor Shi:

Well, I guess, how does GHS work with the Department of Justice, the FBI, the defense, and in terms of reducing domestic extremism.

Jen Johnson:

Well, when it comes to domestic extremism the relationship with the FBI is daily, hourly. Every morning when I got my intelligence briefing, there was always an FBI representative at the table who would share with me what the FBI is working on, the investigations they have, that was important for me and my entire leadership team to hear, because we very often be working in concert.

DHS might be focused on travel patterns who might be migrating to the US and the FBI is focused more on the interior. And very often there's overlap between those. In my experience, the effectiveness of these types of working relationships depend very often on the personalities involved.

If you have an underlined professional friendship with the leader of the agency, then that environment trickles down to the leadership teams and they work together pretty effectively. The relationship between the intelligence community and DHS is also critical. You asked about DOD, you asked about DOJ, but cannot underestimate the importance of an effective working relationship with all the agencies in the intelligence community, off that soup, of which DHS is apart, the intelligence and analysis directorate of DHS is part of the intelligence community.

And I was not a big fan of the creation of the DNI structure in 2002, I thought it was another layer of unnecessary bureaucracy, but I think it now works under Jim Clapper. I know it worked very effectively because Marshall, all these different intelligence agencies to give us intelligence products and you'd have a report, you might have a descent. But all of that can very easily collapse into chaos unless the grownups at the top agree to work together effectively. And I'm sure, that's true with Avril Haines. Is now the DNI, the Director of National Intelligence. Are real terrific. She's a real rock star.

Victor Shi:

So, we've spent a lot of time focusing on domestic extremism, just for our audience, tell us a little bit about some of the other big challenges that DHS should address.

Jen Johnson:

Cybersecurity. DHS, DIMA, has a role in global warming, climate change also, human trafficking, Homeland Security Investigations, human trafficking, the drug smuggling on the high seas, my son is a member of the United States Coast Guard. Part of his mission is Drug Interdiction. The Secret Service, of course, protects our national leaders, but my focus when I was secretary and now this is over four years ago, was principally, Counter Terrorism and cybersecurity. But, there's also underlying threats that also never go away. Like, the threat of a major weather event, a natural disaster and a host of other things.

Jill Wine-Banks:

The last question I want to ask has to do with what Congress can do about domestic extremism. And it was suggested very early on that there'd be a 9/11 style commission, rather than just having a Congress look at passing new laws, or the Department of Justice pursuing criminal cases. That seems to have faltered now over a couple of issues. One is, how many Democrats and how many Republicans will be appointed to it.

And whether it's sole focus would be on the insurrection, or the Republicans pushing to say, "No." Then we should look at Antifa. And all the things that they do as well. Do you think that there should be, and can be an effective way for Congress to get involved through 9/11 style commission?



Jen Johnson:

Well, be careful with getting Congress involved in anything because you might get what you wish for. But I do believe that there should be a congressionally empowered commission to study the events of January 6th, and the events leading up to it. I think it matters less whether the commission members have a D, or an R, next to their name. I think it's more important that they be Americans of experience, wisdom and goodwill. I don't believe you need a commission to study all the different threats to Homeland Security. That's what we have law enforcement for.

But, because the events of January 6th, and the resources we had in place to prevent it, or to so many different moving parts, I think there's some real lessons to be learned there about how to prevent something like that from happening in the future and what the security perimeter of the US Capitol should be.

There've been a bunch of hearings going to serve in a patchwork fashion already. I think it would be good to have one commission that studies that and gives us the comprehensive non-partisan, I partisan, report. Just in my lifetime. And I'm 63 years old. When I was a kid, the Eastern front of the Capitol was public parking. You could park just a few feet away from the steps of the Eastern front of the Capitol.

And for the longest time we avoided making the Capitol look like a fortress, like the White House, the Pentagon or other federal buildings. So regarded as a people's building, then after 9/11, we built the visitor center, but still there was no fence around the US Capitol. I'm afraid that's now probably going to have to change. Not only because of the events of January 6th, but the events of January 6th, also make the Capitol a high visibility objective for a lot of unhinged people that want to do all sorts of things. We saw that just before Easter.

Jill Wine-Banks:

Yeah. Well, and when I said 9/11 style, the 9/11 commission was an independent, it was appointed by Congress, but it was theoretically, not theoretically, I think it was independent. And we have other examples, the investigation of the Kennedy, SS donation was a commission that issued a report. And I'm hoping that we can get off this. I agree with you that January 6th is a unique example, a unique threat, and that, if you want to have in study of something else, it can be done, but just, it's not the same as this one. So, I'm hoping that we can look forward to that.

Jen Johnson:

A lot of the members of the Warren commission, as you know, I'm sure Jill were, I mean, LBJ pull that group together almost overnight and dragged a lot of people into it, and didn't really want to be on it, like the chief justice, for example.

Jill Wine-Banks:

Exactly. But I mean, I remember when you could take a cab and get out in front of the White House. Now, of course, there's no cars coming to the front of the White House. You can walk past it, but you cannot drive on that part of Pennsylvania Avenue anymore. So, are there any other laws that you think that Congress should be considering in dealing the threat of domestic terrorism right now?

Jen Johnson:

That's a good question. I think I'd want to carefully consider that.

Jill Wine-Banks:

Okay.

Victor Shi:

So to wrap up the podcast-

Jen Johnson:

I've listened when others currently in law enforcement had been asked that question and I haven't really heard a good answer.

Jill Wine-Banks:

Well, then a good answer is not to answer it until there is a good answer.

Victor Shi:

Right, right. Okay. So, to wrap up the podcast, we've already established that you have been a lifelong political junkie starting from when you were my age. And I'm wondering how you made your transition from being a political junkie to serving in the highest levels of government. And then, also what advice you would give any young person about what it means to be in government? Working on behalf of the government?

Jen Johnson:

True. So, everybody has a moment when they have their political awakening, or at least most people do, or a point in their life when they become cognizant of the larger world around them. For me, that was the year 1968 when I was 11 years old. A lot happened in 1968, much like a lot happened in the year 2020. And from there, I realized that I had an interest in politics and national events. I was a terrible student all through high school, and beginning in college, and then fall of 1976 when I was a sophomore at Morehouse College, I just on a whim volunteered for Jimmy Carter's presidential campaign, which is based in Atlanta, where Morehouses.

And at the same time, my grades were starting to get better as finally hunkering down and studying. So, I developed a desire to go to law school because law can be the vehicle for so many good things, so much change. And when I went to law school, I had two objectives. One, to be part of a large law firm, and the other to be a public servant. Then in my career and the 30, how many years is it now? 37, how many years? It's in 1982. It's almost 40 years, sense I've done both.

The advice I have for younger people interested in public service is, you may have a belief and ambition to go do a certain thing, be prepared to seriously consider an opportunity that's a little different than what you anticipated. Two of the four jobs I've had in public service, were totally unanticipated. I very much wanted to be an Assistant United States Attorney in the Southern District of New York. And I tried twice and I got to be that. In 1998, 10 years later, I was offered the job of General Counsel of the Department of the Air Force.

I had no idea what that was. I didn't know that that job existed. But the presidential personnel, people in the Clinton administration offered it to me. And I studied it, I looked into it. And the more I learned, the more I became interested. But it was a totally unanticipated thing.

From that, when Barack Obama was elected, I had anticipated, and was hoping to be asked to be General Counsel of the whole Department of Defense. I did that for four years. I left government. I

was back at the same firm I'm with now Paul Weiss in 2013. And just out of nowhere, the president asked me if I would be Secretary of Homeland Security. A job I never, for a second, thought I would ever occupy.

And my first reaction was, "Am I qualified for this big job? Managing 230,000 people?" And then I thought, "Well, dummy, if the president thinks you are, maybe you are." But that was totally unanticipated. And so, the moral of the story is, very often... Victor, you thinking about going to law school?

Victor Shi:

Yes. Yeah.

Jen Johnson:

Very often, we lawyers, we think in very conventional terms. "I want to be at the Department of Justice," or "I want to be in the White House Counsel's Office," or "I want to be a Watergate special prosecutor." And sometimes there are opportunities to do something equally as interesting that was not on your radar, that you didn't know about. And be prepared to seriously entertain that opportunity.

Victor Shi:

Yeah.

Jill Wine-Banks:

I'd love to have you back to talk about just that subject for a prolonged time, because I think the opportunity to take a risk on something like that is what makes your career and life exciting. I had the same thing in the transition time for the Carter administration. I was offered a job at the White House, a job at justice, and the job at the Pentagon. And I was like, "The Pentagon? I wouldn't recognize a general if I saw one, I can't possibly be qualified for that. And I wouldn't know what to do."

But you read the transition report and I went, "Wow, there's some very interesting issues involved in this. That sounds like a real challenge," and decided to take the risk. And it was one of the best jobs I've ever had. So, I think that career advice might be an interesting subject for another podcast.

Victor Shi:

Yes, it definitely is. And I think, for so many young people that I talk to you now, maybe it's because of the recession, or maybe because of the pandemic, but it seems, there's so many people who have five-year plans out for themselves. And I'm not saying that's a bad thing, but like you said, it limits the uncertainty, or are there's unplanned moments of your life. And I think that advice is a really good one for my generation.

And I'm wondering if there's anything more for you, because you've been in government for so much of your career. If Biden asked you to be DHS secretary, or if he asked you to be in his cabinet would that be a possibility for you in the near future?

Jen Johnson:

There is no possibility that I will be DHS secretary again. Okay. Been there, done that. It's a very difficult job. I don't want to do it again. I was very proud and honored to be asked to do it one time. That's it? You never say never. It is publicly known that I was seriously considered to be president Biden's

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Secretary of Defense, I was not selected. Sometimes things happen at the right time for the right reasons. Sometimes they don't.

And I'm very happy in private life right now, I have my own life, I don't have an entourage of people with guns following me around. And I'm very happy being a private citizen. This is the right time, I think, for me to be a private citizen right now. So, sometimes the stars don't quite align and sometimes they do.

Victor Shi:

Well, in the meantime, we will make sure to keep an ear out for your future radio appearances and [crosstalk 01:04:11]

Jen Johnson:

You do.

Victor Shi:

Yes. And I just want to thank you for coming on. This was a delight, and this was wonderful.

Jen Johnson:

My pleasure. I enjoyed the conversation.

Jill Wine-Banks:

Thank you so much.